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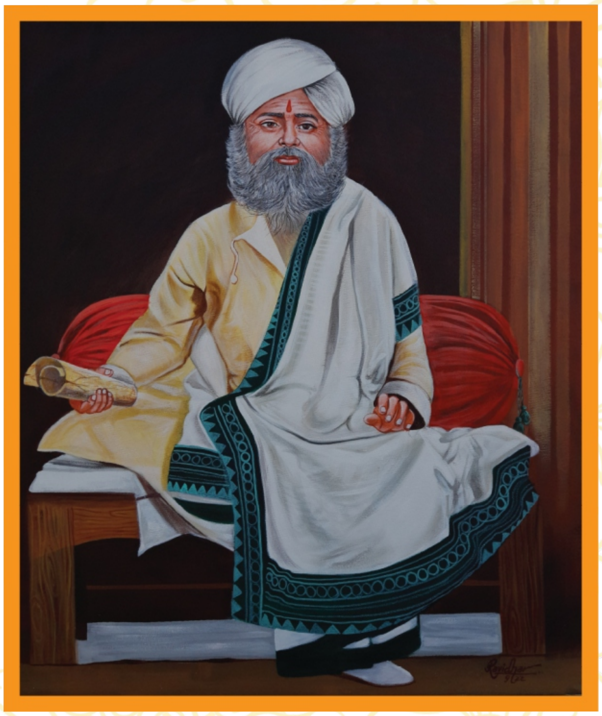
# Pavak

**Jonaraja Institute of**
**Genocide & Attrocities Studies**

# VIMARSH

*The purifying narrative*

## Anniversary Edition



अपथ्याशीवबालः स सामन्तसहितस्ततः।
जनानाम जातिविध्वंसे सूहभट्टः कृतोद्यमः।।

- Pandit Jonaraja, Father of Genocide Studies

Pandit Jonaraja, the author of second Rajtarangini that follows the Rajtarangini of Kalhan, was a Kashmiri Shaivite Bhatta Brahmin. His real name was Jyotsanakar, meaning the creator of moonlight. This poetic name was true to his being. He was an exceptional and sensitive poet, well versed in history, astrology, Ayurveda, Yoga and subtler aspects of all these disciplines. He was a renowned Sanskrit scholar. His year of birth as per records available is estimated as 1389-90.

Like Kalhan he has written the history of Kashmir in poetry. But, that is not all about him. He has recorded the genocide of Kashmiri Pandits in detail and delineated its aspects like the present day genocide scholars.

Jati-Vidhwans - This is the word Jonaraja has coined to describe genocide. He has defined genocide and Raphael Lemkin's definition which came in 20th century closely mirrors Jonaraja's definition. He has even pointed out the special intent that motivates the perpetrator and given a very sensitive and vivid account of how an ideology radicalises a regime and effects a total change in its mode of operation that leads to genocide. He has made it clear that the mind of a perpetrator is at a very low level of maturity. That is the view held by present day genocide scholars also. His account of the first exodus of Kashmiri Pandits, if placed in correct context, is no different from the atrocities the community faced in 1990.

Roots of the field of genocide studies are found in Pandit Jonaraja. He, in every sense is **"Father of Genocide Studies."**

To join the **Genocide & Atrocities Studies** course,
Call/Text us at **+91-99062-87277** or visit **www.jonaraja.com**

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**PAVAK** | Anniversary Issue

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# Celebrating a Year of Insight and Inquiry

**Pavak is the brilliance of fire that purifies everything that comes in its way. We derive inspiration from the auspicious deity of fire that cleanses and illuminates the intellect. As we reflect on a year of insightful analysis, poignant narratives, and critical discussions, it's with great pride that we present this compilation showcasing the best of Pavak.**

**Sunanda Vashisht**
Editor-in-Chief, Pavak

Welcome to Vimarsh-the Anniversary Special of Pavak -Monthly newsletter from Jonaraja Institute of Genocide and Atrocities Studies. (JIGAS). The decision to name our genocide studies program after Pandit Jonaraja holds deep significance rooted in both historical reverence and contemporary relevance. Pandit Jonaraja, a renowned historian and chronicler from medieval Kashmir, lived during a tumultuous period marked by political upheaval and religious strife. Despite the challenges of his time, Jonaraja's commitment to truth, justice, and the preservation of historical memory stood as a beacon of light amidst the darkness of oppression and conflict.

Pavak is the brilliance of fire that purifies everything that comes in its way. We derive inspiration from the auspicious deity of fire that cleanses and illuminates the intellect. As we reflect on a year of insightful analysis, poignant narratives, and critical discussions, it's with great pride that we present this compilation showcasing the best of Pavak. Over the past year, our newsletter has served as a platform for scholars, researchers, activists, and survivors to engage in profound conversations surrounding the most pressing issues related to genocide and mass violence. Through rigorous academic inquiry, personal testimonies, and interdisciplinary perspectives, we have aimed to shed light on the darkest chapters of human history while advocating for justice, remembrance, and prevention.

In this anniversary edition, we have carefully curated a selection of articles that encapsulate the depth and breadth of our collective efforts. From in-depth examinations of historical atrocities to explorations of contemporary challenges, each contribution offers valuable insights and contributes to our ongoing quest for understanding and reconciliation. The scholarly pieces that have made it to the Anniversary edition stand on their own for their brilliant analysis and can be read like that. However, if you read these articles chronologically from beginning to the end you will see it covers the entire gamut of Genocide studies in nutshell. We start by introducing Genocide studies as a field of discipline, moving on to United Nations Genocide convention and its role and responsibility. After firmly establishing that framework we move on to questioning some commonly held views about Genocides. Dr. Dileep Kaul gives a fascinating analysis of the concept of “man” in UN Genocide convention. Sh. Tito Ganju analyzes the convention through international legal perspectives. From here we move on to the concept of rescuers in genocide, we explain what cultural genocide is. We analyze role of memory, we weigh on the perils of forgetting genocide, we establish the Indic framework of studying genocides and why the western framework simply does not do justice to our stories of persecution. Young scholars of JIGAS have especially done us proud this year. Nitin Dhar takes a deep dive into United Nations convention and Isha Ganju explains why it is essential for women to study genocides and atrocities. Another young scholar, Shyla Kaul, delves into the heroism of an ordinary rescuer. Therefore, we request you to read this edition chronologically, at least the first time around.

In this anniversary edition we are proud to platform one of JIGAS' most promising scholars- Dr. Rinita Mazumdar. She has written an immensely poignant scholarly piece about cultural genocide of people of East Bengal. We are also proud to present a snapshot of her original research where she compares and evaluates works of Jonaraja, Lemkin and Arendt. A comparative study like this has never been attempted anywhere else in the world.

As an editor, I am immensely grateful to our contributors for their dedication, expertise, and unwavering commitment to the field of genocide studies. Their work represents the culmination of years of research, activism, and advocacy, and we are honored to feature it in this special issue. We also extend our heartfelt appreciation to our readers, whose support and engagement have been instrumental in shaping the trajectory of our newsletter. It is through your continued interest and involvement that we are able to amplify the voices

> ***Dr. Dileep Kaul gives a fascinating analysis of the concept of “man” in UN Genocide convention. Sh. Tito Ganju analyzes the convention through international legal perspectives. From here we move on to the concept of rescuers in genocide, we explain what cultural genocide is. We analyze role of memory, we weigh on the perils of forgetting genocide, we establish the Indic framework of studying genocides and why the western framework simply does not do justice to our stories of persecution.***

of those affected by genocide and foster meaningful dialogue on these critical issues.

Moreover, this anniversary issue serves as a testament to the vibrant intellectual community that Pavak has cultivated over the past year. It is a testament to the dedication and expertise of our contributors, whose scholarship enriches our understanding of genocide and inspires us to confront its legacies with courage and compassion.

In a world often characterized by progress and innovation, it can be tempting to focus solely on the bright spots of human achievement. However, it is equally important, if not more so, to confront the darkest moments of our history. Why should anyone devote their time and energy to studying genocide studies? This question lies at the heart of our mission here at the Jonaraja Institute, and it is one that merits careful consideration. Genocide represents one of the most extreme manifestations of human cruelty. By studying genocide, we come face to face with the depths of depravity to which individuals and societies can sink. While this may be uncomfortable, it is essential if we are to grasp the full spectrum of human behavior and address the root causes of violence. It is also important to remember behind every statistic or historical account of genocide lies a deeply personal and tragic story. To study genocide is to pay homage to the millions of innocent lives that have been lost to hatred, intolerance, and indifference. It is a solemn duty to ensure that their voices are heard and their experiences are never forgotten. History has shown us time and again that those who fail to learn from it are doomed to repeat it. By studying past genocides, we gain invaluable insights into the warning signs, factors, and mechanisms that contribute to mass violence. Armed with this knowledge, we are better equipped to identify early indicators of genocide and intervene before it is too late. Genocide leaves deep scars on individuals, communities, and entire nations. The study of genocide can play a crucial role in the pursuit of justice for survivors and the accountability of perpetrators. Moreover, it can facilitate processes of reconciliation, healing, and the building of more inclusive societies. At its core, genocide represents a fundamental violation of human rights. By shining a light on past atrocities, genocide studies contribute to the global struggle for the protection and promotion of human rights. It empowers individuals and communities to stand up against injustice and uphold the dignity and worth of every human being.

Study of genocide is not merely an academic exercise; it is a moral imperative and a call to action. It challenges us to confront the darkest aspects of our shared humanity and inspires us to strive for a world free from hatred, violence, and oppression

As we commemorate this milestone, let us reaffirm our shared commitment to confronting the legacies of genocide, promoting human rights, and building a more just and compassionate world. May the insights contained within these pages serve as a catalyst for meaningful action and inspire future generations to strive for a future free from the scourge of Genocide. At JIGAS, we are constantly reminded of the profound responsibility that comes with studying genocide. We must bear witness to the atrocities of the past, honor the memories of those who have perished, and work tirelessly to prevent such horrors from occurring again in the future.

Thank you for joining us on this journey, and here's to another year of advancing the cause of genocide studies.

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OF GENOCIDE & ATROCITIES STUDIES
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JONARAJA INSTITUTE OF GENOCIDE & ATROCITIES STUDIES
जातिरक्षानिमित्तं
epilogue
Humans of Genocide

# Why “Pavak?”

**Pāvak is a form of fire, an energy that purifies. The fire god sustains our life. Touch your body and feel the warmth of the fire of life. Within your being dwell the fire of hatred also, the blackest of fires, that has consumed individuals, communities and the collectives as large as nations and groups of nations.**

**Dr. Dileep Kumar Kaul**
Director, JIGAS

Pandit Jonaraja, the great Kashmiri historian, in his Rajtgarangini, refers to his deity Lord Shiva as pāvaknirmaladṛṣṭiṃ, the deity who looks at you with his unpolluted pure eyes and purifies your whole being. Pāvak is the purifying power of the look of the deity. This purifying expression Pāvak is the inspiration behind the name given to the official newsletter of Jonaraja Institute for Genocide and Atrocities studies. The creation of the institute itself is inspired by the work of Pandit Jonaraja who laid the foundations of the academic field of genocide studies about six hundred years ago.

Pāvak is a form of fire, an energy that purifies. The fire god sustains our life. Touch your body and feel the warmth of the fire of life. Within your being dwell the fire of hatred also, the blackest of fires, that has consumed individuals, communities and the collectives as large as nations and groups of nations. It is the fire of hatred that gives rise to ideologies that divide humans into in-groups and out-groups. An out-group is taken as inferior while as an in-group considers itself superior in every respect. The out-group according to the worldview of the in-group has no reason to exist in this world. This moral exclusion of the out-group leads to genocide—the crime of crimes.

We live in a world where such exclusionist, status quoist radicalized ideologies are ever striving to maintain their radicalized worldviews. These world views are out to polarize humans and to intensify mutual hatred to the extent that a whole collective begins to think in terms of annihilating another collective, imagines every member of the target collective erased from the face of earth that is the pathological genocidal imagination. This genocidal imagination widens its sphere from simple moral exclusion to the dehumanization of the target collectives. This dehumanization finds its extreme in “toxification” which means taking the target collective as so toxic that it becomes impossible to live with it and extermination becomes unavoidable. Toxification is the certain indication of the potential genocide of an outgroup. Nazis referred to Jews as bacillus, the life threatening bacteria and the holocaust resulted.

Pandit Jonaraja was the first to draw our attention to the element of toxification in a genocidal environment. About six hundred years back he made it clear that a perpetrator can toxify even the cultural symbols of the victim community. He says:

***Kathāśeṣīkṛte sarva gīrvāṇa pratimāgaṇe|***
***Vyādhimukta ivānandaṃ sūhabhaṭṭo bhajattataḥ||***
***(604)***

(All idols of deities were destroyed and only the ruins stood there. Suhabhatta was so relieved as if he had become free of some serious ailment.)

This means that the idols were considered as ailments by Suhabhatta, the main perpetrator of the genocide in Kashmir. The idols are so toxic for him. If the idols in a temple are toxified it can be easily inferred that the worshippers of the idols cannot be treated better than them. Idols are broken because they are detrimental to the status quo established by Suhabhatta, the perpetrator, who wants to create an idol-free world. Toxification is the extreme form of dehumanization. You can dehumanize a man by referring to him as an animal but you can still let an animal live. You can dehumanize him by referring to him as an emotionless machine but still a machine can be allowed to exist. But when a man and the symbols and representations he is identified with are toxified, considered pathological, you cannot but annihilate him because any disease must be eradicated if you want to live. Slowly and steadily the Kashmiri Pandits were eradicated and the present day Kashmir stands totally cleansed of its original inhabitants who about six hundred years back constituted 100 percent population of the place. This shows that toxification is a sure determinant of genocide.

While sketching the character of Suhabhatta in verse 670 of his Rajtgarangini , Jonaraja comes to a very valid conclusion that even a civilized man can become a perpetrator under the influence of the radicalized, status quoist ideologies. It means that such ideologies can swallow whatever can be called civilized and human. Jonaraja is the torchbearer of that analytical tradition of Kashmir

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that has made significant contribution towards the understanding of the process of genocide. Such place specific analytical traditions can serve well to offer resistance to radicalized status quoist ideologies.

"Pavak" the newsletter of Jonaraja Institute of Genocide and Atrocities studies, aims at foregrounding such place specific analytical traditions. It is going to work towards taking the fight to the narrative sphere of such ideologies. "Pavak" is the divine element, the form of god that holds in it, the purificatory power of the fire god. It draws our attention to the fact that the power of creation is not a monolithic unit but a composition that contains multitudes. "Pavak" the purifying form of fire god instils hope in us that purifying elements are always there, in all creation around us. We have just to invoke them to purify this world of ours, to get rid of all elements that encourage the hatred of brother man.

This purification of our world is not possible when one genocide is considered more important and other annihilations of humans are brushed under the carpet. "Pavak" will throw light on the cases that were less in intensity but achieved the goal of elimination of a collective from a place. Kashmiri Pandit genocide is one such example. The genocide of Kashmiri Pandits was completed in 1990 through seven waves of genocide spread over six hundred years and now their homeland is lost for them. Some genocide scholars have termed Kashmiri Pandit genocide as mere tragedy and focused their attention on the genocide that may occur but have not occurred yet. This may appear preventive in nature but is in fact, disastrously prejudicial. If the reality of any genocide is suppressed it will encourage the advancement of denialist practices and lead to a culture of hiding the genocides that have occurred or are going on. "Pavak" will raise voice against such unjust denialist schemes so that the voices of the victims are not choked.

It is not without reason that one of the names of Saffron, the representative flower of Kashmir is "Pavak-shikh." It apparently means a fiery tuft, from the appearance of the yellow-colored stigmas of the flower that are used as Saffron, the spice. It has immense purificatory properties for our biochemical system. So, the use of the word "Pavak" in the name of Saffron represents collective Indic imagination and perception that breaks the status quo that emerges from the physical existence of the flower. Nothing in this world is just physical. A whole universe dwells within the confines of physicality.

With this Indic imagination and perception, we place "Pavak" the newsletter of Jonaraja Institute of Genocide and Atrocities studies in your hands.

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* * *

Pavak
Anatomy of Rescuers of Genocide and Atrocities
Unlocking Clarity:
Preventing Genocide
Empathy for the Afflicted.
Cultural Genocide:
The truth of Irreversible Annihilation
MYTH OF TRUTH & RECONCILIATION
DEMYSTIFYING LAL DED
GENOCIDE AND IDENTITY
Unravelling: Identity Trap, Identity Games & Genocide in Kashmir
Lest We Forget
The Untold Agonies...!!!
MEMORIALIZATION
A Necessary Imperative
CONSOLIDATION
OF GENOCIDE

# Genocide Studies: Understanding the Past to Create a Better Future

**The plight of the Kashmiri Pandits is a human tragedy that demands attention and action. The Government of India must take urgent steps to protect the Pandit community and provide them with the necessary support to return to their homes in the valley , in accordance to the aspirations of the community.**

**Tito Ganju**
Chairman, JIGAS

Genocide is undoubtedly one of the darkest and most heinous crimes against humanity. It involves the deliberate and systematic extermination of an entire group of people based on their race, ethnicity, religion, or nationality. The effects of genocide are far-reaching and long-lasting, impacting not only the victims but also their families, communities, and even future generations.

Perhaps the most well-known example of genocide is the Holocaust, during which Nazi Germany, under the leadership of Adolf Hitler, systematically murdered approximately six million Jews. This event, along with the other atrocities committed by the Nazis during World War II, has become a defining moment in human history and a stark reminder of the dangers of unchecked hatred and intolerance.

But the Holocaust is far from the only example of genocide. The 20th century saw many other instances of mass killings, including the Armenian Genocide, which took place during World War I and saw the Ottoman Empire exterminate approximately 1.5 million Armenians. The genocides in Cambodia, Rwanda, and Bosnia in the 1990s are also well-documented and have left deep scars on those societies.

The ongoing tragedy of the Kashmiri Pandits is a dark chapter in India's history, which has gone unnoticed for far too long. For over 700 years, this Kashmiri Pandit community has suffered discrimination, persecution, and genocide in the Kashmir valley. In contemporary times Genocide of the Pandits began in 1989 when Islamic separatist groups, supported by Pakistan, launched a campaign of terror and violence against the community. This campaign of terror resulted in the displacement of Pandits from their ancestral homes, leading to their virtual extinction from the valley.

The systematic and brutal campaign against the Pandits has included targeted killings, rape, arson, and destruction of property. The Pandits were forced to leave behind everything they had and flee their homes to escape the violence. This mass exodus has left the community scattered across India, struggling to rebuild their lives and maintain their cultural identity.

The plight of the Kashmiri Pandits is a human tragedy that demands attention and action. The Government of India must take urgent steps to protect the Pandit community and provide them with the necessary support to return to their homes in the valley , in accordance to the aspirations of the community. The international community must also recognize and condemn the ongoing genocide of the Pandits and hold the perpetrators accountable for their crimes. It is time to put an end to the suffering of the Kashmiri Pandits and ensure that they can live in peace and dignity in their homeland.

The effects of genocide are wide-ranging and long-lasting. For the victims themselves, the experience can be traumatic and devastating. Many survivors of genocide suffer from post-traumatic stress disorder (PTSD), depression, and other mental health issues. The loss of loved ones and the destruction of homes and communities can leave survivors struggling to rebuild their lives for years to come.

But the effects of genocide are not limited to the immediate victims. The families and communities of those killed can also suffer from the trauma and loss. The social and cultural fabric of a society can be torn apart by genocide, leaving deep divisions and mistrust that can last for generations. The economic impact of genocide can also be significant, as the destruction of infrastructure and loss of human capital can have long-term consequences for a country's development.

Preventing genocide is therefore an essential task for all of humanity. It requires a commitment to tolerance, respect for diversity, and a willingness to confront hatred and intolerance wherever it arises. Governments, civil society organizations, and individuals all have a role to play in preventing genocide and promoting peace and understanding.

The United Nations has also played a critical role in this effort, with the adoption of the Convention on the Prevention and Punishment of the Crime of

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Genocide in 1948. This convention defines genocide as a crime under international law and requires signatory states to take measures to prevent and punish genocide.

To prevent future genocides, it is essential to understand why they occur and what factors contribute to their escalation. Genocide studies is an interdisciplinary field that aims to provide such an understanding. It combines historical, sociological, and psychological approaches to examine the causes, processes, and consequences of genocides.

One of the primary goals of genocide studies is to understand the root causes of genocide. These can include factors such as political and economic instability, religious or ethnic tensions, nationalism, propaganda, and social inequalities. By identifying these factors, researchers hope to create early warning systems to prevent future genocides from occurring.

Another goal of genocide studies is to explore the different methods used to perpetrate genocide. These can include mass killings, forced displacement, rape, and torture. By understanding the various tactics used in past genocides, researchers hope to develop strategies to prevent them in the future.

Genocide studies also explores the psychological impact of genocide on individuals and communities. The long-term effects of genocide can be devastating and can include trauma, loss of identity, and social isolation. Understanding these effects is crucial in helping survivors heal and rebuild their lives and communities.

One of the challenges of studying genocide is the difficulty of accessing reliable data. Genocides often occur in areas with limited access to information, and governments or perpetrators may attempt to conceal or deny their actions. Despite these challenges, genocide studies has made significant strides in uncovering the truth about past genocides.

The importance of genocide studies cannot be overstated. By understanding the root causes and tactics of past genocides, we can develop strategies to prevent future ones. By recognizing and addressing the long-term effects of genocide, we can help survivors heal and rebuild their communities. Genocide studies provides a critical framework for understanding one of the darkest chapters in human history, and by studying it, we can work towards creating a better future for all.

The Jonaraja Institute of Genocide and Atrocities Studies is a research institution that seeks to advance knowledge and understanding of genocide and other forms of mass violence. One of its key initiatives is the Pavak Newsletter, which will be published monthly to provide information about the latest research, events, and news related to genocide studies.

The Pavak Newsletter will serve several important purposes. First, it will help to disseminate information about current research and scholarship related to genocide studies. This is important because genocide studies is a rapidly evolving field, and it is important for scholars and practitioners to stay informed about the latest developments.

Second, the Pavak Newsletter will provide a forum for discussion and debate about key issues in genocide studies. This is important because genocide is a multifaceted phenomenon, and there is often disagreement among scholars and practitioners about how best to prevent and respond to it. The Pavak Newsletter will be a platform for these debates, which can help to clarify and advance our understanding of genocide.

Third, the Pavak Newsletter will serve as a tool for advocacy and education. By providing information about the latest developments in genocide studies, the newsletter can help to raise awareness about the importance of preventing and responding to genocide. This can lead to increased support for policy initiatives and other efforts to prevent genocide and other forms of mass violence.

Pavak Newsletter will serve as a resource for survivors and victims of genocide. By providing information about events and resources related to genocide, the newsletter can help to connect survivors and victims' with the support and services they need to heal and rebuild their lives.

Genocide is a complex and devastating phenomenon that has had a profound impact on human history. Understanding genocide is essential to preventing it in the future. The Jonaraja Institute of Genocide and Atrocities Studies and its Pavak Newsletter play a crucial role in advancing knowledge and understanding of genocide, and in promoting strategies for prevention and response. By supporting the work of the Institute and by subscribing the Pavak Newsletter, we can all play a role in building a better future for ourselves and future generations.

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# The UN Genocide Convention & India's Role, Response & Responsibility.

**Crime has been an integral part of human history. With time, as humans evolve, nature of crime also evolves. In the modern world where democracy, law & order and human rights are considered to be the parameters of a civilized nation, crime has also taken modern form, medium and meanings. Genocide, as we study it today, is known to be 'the ultimate crime' or 'the crime of crimes'.**

**Nitin Dhar**
Genocide Scholar-JIGAS

***"Crimes should not be punished by the victims, but should be punished by court, by international law"***

***Dr Raphael Lemkin.***

Crime has been an integral part of human history. With time, as humans evolve, nature of crime also evolves. In the modern world where democracy, law & order and human rights are considered to be the parameters of a civilized nation, crime has also taken modern form, medium and meanings. Genocide, as we study it today, is known to be 'the ultimate crime' or 'the crime of crimes'. There is hardly any heinous crime which one can imagine of that has, or could possibly not be a part of genocide. In other words, there is no crime that one can imagine to be more brutal and destructive to the humankind as genocide is. The 'United Nations Convention on the Prevention and Punishment of the Crime of Genocide 1948' is, therefore, one of the greatest examples of global consensus against such a crime. In a world where terrorism is yet to be defined at a world stage, genocide has not just been defined but has also become part of the international law. Barring 41 United Nations member states, the Genocide Convention has been ratified or acceded to by 153 States (as of April 2022, with Zambia). After a series of disappointments from most of the western word, Dr. Raphael Lemkin, founder of the Genocide Convention, received help from three nations to sponsor the convention at the United Nations in 1948. These three nations included Cuba, Panama and India.

### What the Genocide Conventions means to the modern world?

The systems we have in place today may also be measured for their importance by drawing the comparison in possibilities they have created for the present with the consequences the world would have to bear in their absence. The United Nations Convention on the Prevention and Punishment of the Crime of Genocide has created a strong deterrent against the crime of genocide internationally. It empowers member states to not only punish and prevent the crime of genocide within their territory but even outside of it. Preventing genocide is therefore a global cause and the adoption of the Genocide Convention on the 9th of December 1948, is a moment that made this a possibility today. The convention does not just define the crime of genocide in its Article II, but also lays down framework for the world to punish and prevent it by law. Article III of the convention categorizes an act punishable not just that of genocide but also other acts such as: conspiracy to commit genocide; direct and public incitement to genocide; attempt to commit genocide; complicity in genocide. What does this mean? It means that the convention also criminalizes those acts that can lead to genocide or acts that enable such a crime, therefore providing serious deterrence to the commitment of the crime in its early stages such as attempt and/or incitement.

This follows with Article IV of the convention that states, "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." Article IV, hence makes it clear that the act of genocide can be committed by non-state actors as well, focusing on the intent behind the commitment of the crime while making it clear that the persons involved can be 'private individuals', implying that it is not necessary that the crime is necessarily state inflicted. This widens the scope for punishment and reduces chances for legal restrictions and ambiguities. The most important article that puts an obligation upon the member states to punish and prevent the crime of genocide is the Article V of the convention. It states, 'The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.'

This obligation has resulted in enactment of special laws on genocide in about 85 member states already. In the world where politics thrives on early stages of genocide such as classification, it means a great deal to have constitutional protection and guarantee against the commitment of such a crime like genocide. Thus, the Genocide Convention 1948 is one of the most remarkable contributions of mankind to make a global resistance against the crime of genocide into a possibility.

***The 'United Nations Convention on the Prevention and Punishment of the Crime of Genocide 1948' is, therefore, one of the greatest examples of global consensus against such a crime. In a world where terrorism is yet to be defined at a world stage, genocide has not just been defined but has also become part of the international law.***

## India's Role, Response & Responsibility.

After many disappointments from the rest of the word, Dr Lemkin finally met with a delegation of three nations - Cuba, Panama and India that came together to support him in proposing a resolution on genocide crime and eventually sponsor the 'UN Genocide Convention of 1948'. This was the first step in bringing together a world consensus on an international law on genocide. India did not only play a leadership role in the convention but also showed its resolve as a nation that would come forward for such a cause, not forgetting that India attained its independence from British rule only in 1947. A year prior to it co-sponsor the convention. The Genocide Convention became the first human rights treaty to be passed unanimously by the vote of 55-0 during the third session of the United Nations General Assembly in Paris on the 9th of December 1948. It needed 20 nations to ratify for it to become an international law. It later came into effect on 12th of January, 1951. India became a signatory to the convention in November 1949 and ratified the convention on 27th August, 1959. Dr Lemkin died of a heart attack in New York on 28th August 1959, just a day after India ratified the convention.

The United States of America, the nation that wanted to be looked upon as a super power and the torch bearer for human rights ratified the Genocide Convention in 1988, becoming the 98th country to ratify the convention. However, ever since ratification of the convention, India has not fulfilled its obligation to enact a law on genocide. What makes the hopes of the hopeful thinner is the fact that twice in the recent years; the Ministry of Home Affairs has in implication said that there is no plan to enact a specific law on genocide. The question to the Home Ministry to know whether there was a plan to enact a law on genocide, was raised in Rajya Sabha first by Avinash Pandey, a member of parliament from Maharashtra from the Indian National Congress on the 13th May 2015 which was answered by then MoS Home Ministry, Haribhai Parthibhai Chaudhary who has said in his answer that the information was being collected. Later on the repetition of the question by MP Avinash Pandey, then Minister of State for Home Affairs, Kiren Rijiju answered, “By acceding to the Convention on the Prevention and Punishment of the Crime of Genocide in 1959, India has recognized genocide as a global crime. The principles embodied within the Convention are a part of the general law of nations and so already part of the common law of India. The provisions of Indian legal code including the procedural law (Criminal Procedure Code) provide effective penalties for persons guilty of the crime of genocide and take cognizance of the acts which can be otherwise taken to be within the nature of genocide”.

Second to seek an answer on the possible enactment of a law on genocide was Member of Parliament from Mallapuram, Kerala -Abdul Wahab. To his question, the MoS for Home Affairs, Nityanand Rai repeated the exact same answer as his predecessor Kiren Rijiju. Thus, we can say that the current dispensation has a clear stand of having no plans to bring into effect a special law to punish and prevent the crime of genocide in India and that it relies completely on the prevalent laws to address such a crime.

## Panditocide: A fit case to inspire change.

One of the worst sufferers of genocidal attrition in India are the Kashmiri Pandits. The community has not just been subjected to the ultimate crime only in 1989-1990 resulting in their extermination from their native land, but have been reduced to a miniscule population exiled and spread across the world as a result of a continual genocide of 700 years. Phenomenal and path breaking research by the Director of Jonaraja Institute of Genocide & Atrocities, Dr Dileep Kaul brought to light the recorded textual evidences of this continual genocide in Dwitiya Rajatarangini of Pandit Jonaraja. Pandit Jonaraja gave the term 'Jati-Vidhams' to the crime that we today know as - genocide, about six centuries before the term 'genocide' was coined by contemporary scholar and pioneer of Genocide Convention, Dr Raphael Lemkin. Besides recording, chronicling and analyzing genocide inflicted upon the indigenous Kashmiri Pandit (Bhatt Brahmin) community by proselytiser Islamic rulers, Pandit Jonaraja in the 606th verse of the Dwitiya Rajatangini writes,

**jātidhvaṃse mariṣyāmo dvijeṣviti vadatsvatha**
**jātirakṣānimittaṃ sa tāndurdaṇḍamajigrahata**

This essentially means that the brahmins (Kashmiri Pandits) chose to pay the fine of Jaziya to the Islamic rulers to protect their identity and culture instead of converting to Islam as that would be death for them. Here we notice the sanskrit term 'jātirakṣānimittaṃ' which translates to 'for the protection of Jati or cultural identity'. This term therefore contains the spirit of 'prevention of genocide' which is a guiding force of the Genocide Convention. The adversities, measures and political reality of history and contemporary times may be contrasting but the spirit of prevention as the ultimate goal of a framework is seen to be constant. We can fairly say that the Indic thought of India has historically provided a spirit that the world has come to accept as a universal response in this case. So, it is not merely a contractual obligation to the UN Genocide Convention but the obligation also to the Indic ideals that lead the world today.

Quite consciously the reason, Jonaraja Institute decided to have 'jātirakṣānimittaṃ' as its motto. Despite various

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deliberations and three decades of exhausting every single remedy available, the genocide of Kashmiri Pandits has not yet been officially recognized by the Indian state. To be fair, there have been many instances, where the current BJP ruled central government has shown its willingness to recognize genocide. Whether it is in the press statement of the then Home Secretary Rajiv Gauba while putting a ban on terror outfit JKLF in 2019 or Sr. PP of the NIA in the NIA court admitting that the convict Yasin Malik (in terror funding case) was responsible for genocide of Kashmiri Pandits, there are many occasions where the representatives of the ruling Bharatiya Janata Party, have recognized the genocide of Kashmiri Pandits. The official recognition by the government of India will mean that the perpetrators are identified and punished, and the genocide is prevented. But, the absence of a specific law had proven to be an impediment for the case to be taken to its logical conclusion hence proving that the prevalent laws have been insufficient to deal with, or take due cognizance of the crime in the past 33 years.

As a first of its kind, a draft bill titled 'Panun Kashmir's Genocide and Atrocities Prevention Bill 2020' was proposed by the Kashmiri Pandits' frontline organization - Panun Kashmir to the govt. of India for its consideration as a framework to enact a law on genocide. The bill is drafted in harmony with the Indian Constitution, and nuanced on the basis of case study of Kashmiri Pandit genocide and suggests legal measures to counter genocide in India. The bill has also been sent to Members of the Indian Parliament to seek their support. Even though the Ministry of Home Affairs has, on two occasions in the Rajya Sabha, clearly negated the plan to enact a specific genocide law, the ineffectiveness of prevalent laws to address 'the crime of crimes' has proven that the proposed draft bill must be taken into serious consideration in order for India to fulfil the commitment towards her great Indic ideals.

**United Nation General Assembly in Paris, France in December 1948 where they approved the U.N. Genocide Convention**

मरुद्भिरिव वृक्षाणां शालिनां शलभैरिव।
कश्मीर देशाचाराणां ध्वंसोsथ यवनैः कृतः।।575

In this verse from his Rajtarangini, Pandit Jonaraja defines root and branch genocidal destruction. He says that as a storm uproots trees and a swarm of locusts destroys a crop of rice (branches), Yavanas (Muslims) destroyed the, place behaviour(deshachar),that is the product of lived life of Kashmir.

Jonaraja Rajtarangini - II

# Journey into Accountability: Exploring the Genocide Convention through International Legal Perspectives

**The Genocide Convention is an international treaty that aims to prevent and punish the crime of genocide. It was adopted by the United Nations General Assembly in 1948 and has been ratified by 149 states as of 2021.**

**Tito Ganju**
Chairman, JIGAS

The term "genocide" was coined by the Polish scholar Raphael Lemkin in 1944, in his book Axis Rule in Occupied Europe. He used the term to describe the Nazi's practice of extermination, which aimed to destroy national groups. According to Lemkin, the intent to destroy a group is what distinguishes genocide from other crimes. His definition was applicable to the acts of the Nazis, who treated people not as individuals but as members of specific groups.

In the post-war Nuremberg trials, genocide was not mentioned explicitly, but acts that would now be defined as genocide were described as criminal acts. Later trials against lower-rank Germans, such as The Justice case, were the first to explicitly convict defendants of genocide.

The UN General Assembly put the question of genocide on its agenda during its first session in 1946. The matter was referred to the 6th committee, which submitted a draft resolution unanimously adopted on December 11, 1946. The resolution affirmed that genocide is a crime under international law, and that principals and accomplices, whether the crime is committed on religious, racial, political, or any other ground, are punishable. The resolution defined genocide as a "denial of the right of existence of entire human groups," and requested the Economic and Social Council to prepare a draft convention on the crime of genocide.

Resolution 96 (I) has been used and cited frequently in subsequent instruments and judicial decisions and can be seen as codifying customary principles of international law. However, caution is advised in interpreting its scope of protection.

A first draft of a convention text was created by the Secretariat's Human Rights Division with help from three invited experts, including Raphael Lemkin. The draft contained definitions of protected groups, acts of genocide, and punishable offenses. The protected groups were racial, national, linguistic, religious, or political groups of human beings. The acts of genocide were divided into physical genocide (acts causing death or injury), biological genocide (restriction of birth), and cultural genocide (destroying the special characteristics of the groups).

The UN Ad Hoc Committee modified the draft text, and the General Assembly's 6th Committee made significant changes to the definition of genocide in Article II and III. Political groups were excluded, and ethnic groups were included instead. The concept of cultural genocide was also excluded, limiting the punishable acts to physical and biological genocide. The resulting draft convention was unanimously adopted by the General Assembly on December 9, 1948.

### *Genocide Convention:*

### What is the Genocide Convention, and how is genocide defined in the Convention? What is the relationship between the Convention and customary international law?

The Genocide Convention is an international treaty that aims to prevent and punish the crime of genocide. It was adopted by the United Nations General Assembly in 1948 and has been ratified by 149 states as of 2021.

Genocide is defined in Article II of the Convention as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

The Convention is considered an authoritative codification of the basic legal principles relating to genocide. However, not all states are parties to the Convention. Therefore, the question of its relationship to customary international law is of significance to national, ethnic, racial, and religious groups in countries not parties to the Convention. According to Article I of the Convention, parties "confirm that genocide, whether committed in time of peace or war, is a crime under international law." This suggests that genocide is considered a crime under customary

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international law, independent of the Convention. The International Court of Justice has also stated that the principles underlying the Convention are recognized by civilized nations as binding on states, even without any conventional obligation, indicating that genocide is part of international customary law.

**Protected groups in the Genocide Convention.**

The Convention also recognizes that certain groups are more vulnerable to genocide than others, and provides special protection for these groups. These groups are referred to as "protected groups" and include national, ethnic, racial and religious groups.

The Convention does not provide a comprehensive definition of these protected groups, but tribunals and other international bodies have provided guidance on their meaning. For example, the International Criminal Tribunal for the former Yugoslavia (ICTY) has held that a protected group is a group of persons who share a common characteristic such as race, ethnicity, nationality, religion, or language, and who have a distinct identity based on that characteristic.

The ICTY has also clarified that the Convention protects both "majority" and "minority" groups. A "majority" group refers to a group that constitutes the majority of the population of a given area, while a "minority" group refers to a group that constitutes a numerical minority of the population. The Convention also protects sub-groups within these larger groups, such as different ethnic or religious groups within a larger national group.

In addition to national, ethnic, racial and religious groups, the Convention also recognizes that other groups may be subject to genocide. The Convention's preamble states that genocide is a crime against "humanity" and that the protection of all groups is important. This has been interpreted by tribunals to mean that other groups, such as political or social groups, may also be protected by the Convention.

The Convention's protection of these groups is significant because it recognizes that certain groups are more vulnerable to genocide than others. For example, ethnic or religious minorities may be at greater risk of genocide because they are perceived as a threat to the dominant group or because they are geographically isolated and easier to target. By providing special protection for these groups, the Convention seeks to prevent and punish acts of genocide against them.

The Convention also recognizes that genocide may be committed in different ways. For example, genocide may be committed through mass killings or by imposing conditions of life that are designed to destroy the group. The Convention's definition of genocide is therefore broad enough to cover a range of different acts, which reflects the fact that genocide can take many different forms.

Tribunals and other international bodies have played an important role in interpreting and applying the Convention's provisions. For example, the ICTY has been responsible for prosecuting individuals accused of committing genocide during the conflicts in the former Yugoslavia in the 1990s. In these cases, the ICTY has relied on the Convention's definition of genocide and its protection of vulnerable groups to hold perpetrators accountable for their crimes.

The International Criminal Court (ICC) also has jurisdiction over genocide cases, and has played a role in clarifying the meaning of the Convention's provisions. For example, the ICC has clarified that the term "mental harm" in the Convention's definition of genocide includes acts such as torture, rape, and sexual violence. The ICC has also held that the Convention's definition of genocide includes acts committed during peacetime, not just during armed conflicts.

**Criticism of the convention.**

The Genocide Convention was established in 1948 in the aftermath of World War II to prevent and punish the crime of genocide. The Convention's definition of genocide includes the intent to destroy, in whole or in part, national, ethnic, racial, or religious groups. However, there are certain groups that are not included in the definition, such as political groups, linguistic groups, cultural groups, economic groups, and groups defined by sexuality. This omission has been heavily criticized, and there have been calls to amend the Convention to include these groups.

The lack of protection for political groups in the Convention has been a particular cause for concern. Critics argue that this omission insulates political leaders from being charged with the very crime they are most likely to commit: the extermination of politically threatening groups. The destruction of political groups is forbidden in the customary norm of crimes against humanity, but the omission of political groups from the Genocide Convention leaves a dangerous loophole that any government could exploit. They could put genocide into practice under cover of measures taken against political or other groups for reasons of national security, public order, or any other reason of state.

Some commentators have suggested that political ideology, which was regarded as less stable at the time of the drafting of the Genocide Convention, is now regarded as an integrated and immutable part of human identity. They argue that political groups should be treated like religious groups, since a distinguishing mark for both groups is the common beliefs that unite their members. However, others, like Schabas, argue that the exclusion of political groups from the Convention is in no way a license to eliminate them.

According to the International Law Commission (ILC), who rejected an amendment to the Convention, "persecution directed against members of a political group could still constitute a crime against humanity." Therefore, even though political groups are excluded from the Convention's definition of genocide, they are still protected

ESTD. 2022

# The concept of “Man” in UNCG and Prevention of Genocide.

**United Nations Convention on the Prevention and Punishment of the Crime of Genocide in its Article II underlines five acts as genocide if committed with an intent to destroy, in whole or in part, a national, ethnical, racial or religious group.**

**Dr. Dileep Kumar Kaul**
Director, JIGAS

United Nations Convention on the Prevention and Punishment of the Crime of Genocide in its Article II underlines five acts as genocide if committed with an intent to destroy, in whole or in part, a national, ethnical, racial or religious group. The first act in the list is : Killing members of the group. It can be easily inferred that these members or even if one member is killed because he is a part of a national, ethnical, racial or religious group, it amounts to genocide. These four categories cannot exist without a place. Nation is primarily a place because it cannot exist without a land-based territory that is occupied by a group or groups of people dwelling in it, and referred to as “country” by them. Man, belonging to any group is a “placed” man who ascribes meanings to a territory he lives in and makes that part of land his place.

The man described in the genocide convention is a biological man hanging in the air. The concept of place if any is very faint in the convention. In Article II (c), the conditions of life deliberately inflicted on the group to bring about its physical destruction are talked about. The physical, biological destruction is emphasized here though the conditions of life are talked about which are not possible without living in a “place.” The conditions of life can never be without a culture but culture of man has no place in the convention. Cultural genocide though present in the first two drafts was eliminated from the final draft under pressure from the countries like USA. So the concept of man in the convention is of a physical, biological man devoid of any other attributes.

To understand the concept of “placed” human existence it will be apt to turn to the discussion of basic elements give in the Shaivite philosophy of Kashmir. The existence of man begins with the five basic elements called Mahabhutas: Prithvi (Earth), Jala (Water), Tejas ( Fire), Vayu ( Air), Akash (Ether). Ether is a non-perceptible element, a state of emptiness filled with the other four elements. These elements are the basis of the existence of the whole universe.

Corresponding to these five Mahabhutas are five Tanmatras. These elements correspond to Five Mahabhutas. Gandha (Smell) arises from earth. Rasa (Taste) arises from water. Roopa (form) arises from fire, sparsha (Touch) from air, Sabda (sound) from Akasha Tanmatra. These Tanmatras are not actually smell, taste, form, touch and sound but the abodes of these. Then come five Karmendriyas or organs of action—Vak, Pani, pada, Payu, and Upastha. Vak is speech, Pani is the action of give and take, Pada is foot the organ of movement. Payu are the organs, of excretion. Upastha are the organs of sex and urination. Then come the five organs of cognition, through which we experience the world. Ghrana is the organ of smell that is nose. Rasana is tongue, the organ of taste. Chakshu is the organ of vision and Tvak is skin, the organ of touch. Shrotra is the organ of hearing that is ear.

These are the twenty elements that make the physical man. The UNCG is limited to this physical man and aims at preventing its annihilation. But there is much more than this to the existence of man. The other than material aspect begins after these twenty elements. We come to three antahkarnas, the internal doers or organs—Manas (Mind), Buddhih (intellect), and ahamkara ( the sense of ego). Manas creates thoughts, Buddhih gives the sense of wrong or right and Ahamkara is the 'I'consciousness, the sense of ego, the consciousness of personal identity. It is from here that we begin to see and cognise the world in all objectivity. We begin to see things as they appear.

This takes us to two interdependent elements of prakriti and purusha. Prakriti is nature. Purusha responds to Prakriti to make his place in it. He feels the nature, understands its miraculous operations and is amazed and delighted with the play of nature. Ahamkara observes the nature with objectivity and Purusha feels and acts according to the spirit of it. It is this feeling towards Prakriti that binds him with five more elements called five Kanchukas—Niyati, Kaala, Raaga, Vidya and kalaa. Niyati is living in a particular place and not living at every place. Wherever you live, the basic place of your dwelling, your birth place becomes your destiny. This limitation of place remains forever with purusha. Kaala is time, your history, your life in continuity. Your place and time spent in it gives rise to attachments which are termed as

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***Kashmiri Shaivism sees man in his wholeness and is a unique line of thought in Indian analytical tradition. The elements of human existence given above are true of every human being irrespective of caste, creed and colour. It does not limit the existence of man to mere physical realm but sees it as a multidimensional whole.***

raaga. Purusha does not feel complete without these attachments. Vidya is knowledge and kalaa is art. All these are elements of culture without which a man can never exist. After these come higher spiritual pursuits which are a far away thing for genocide convention that allows almost no room for even the basic culture of man.

Kashmiri Shaivism sees man in his wholeness and is a unique line of thought in Indian analytical tradition. The elements of human existence given above are true of every human being irrespective of caste, creed and colour. It does not limit the existence of man to mere physical realm but sees it as a multidimensional whole. The Genocide convention keeps the path of cultural genocide open that, since the inception of the convention has led to the erasure of many humans from many places on this earth.

When the question of cultural genocide was being discussed in UN General Assembly some delegates found that the idea was ridiculous. These nations might have participated in the destruction of cultural groups which they felt was necessary to civilize such groups. Danish representative Per Federspiel had objected, "It would show the lack of logic and of a sense of proportion to include in the same convention both mass murders in gas chambers and the closing of libraries." That is clearly a prejudicial view centred on physical annihilation of man.

About six hundred years back, Srivara, the disciple of Pandit Jonaraja had analysed this situation without losing the sight of the fact that libraries are the extensions of human existence. Books, authors and readers are all rooted in a place. The loss of books renders readers and the authors meaningless and the place is completely destroyed. When books are burnt the destruction of the community begins. Srivara writes in his Rajtarangini:

**śekandhara dharānātho yavanaiḥ preritaḥ puraḥ|**
**pustakāna sakalāna sarvāṃstṛṇānyagnirivādāhata| 5/75**

(Sultan Sikander the Muslim King out of his muslim motivations set all books afire, everywhere as if dry grass was being burnt.)

**kimanyada dvijavada deśe sarve granthā manoramāḥ|**
**kathāvaśeṣatāṃ yātāḥ padmānīva himāgame| 5/77**

(what more should I say…in this country (place) all books became non-existent just like the brahmins who authored and studied them. The story of books and Brahmins stood finished just like the lotus flowers destroyed after a heavy snowfall.)

The experience of suffering is tied to place and matter. Genocide is anchored in place, so is remembering and mourning. Books as a knowledge material here are the extension of the Brahmins who nurtured the tradition of books, tradition of knowledge which is one of the five Kanchukas of Kashmir Shaivashastra explained above. When books as the records of knowledge are destroyed the path is clear for the destruction of the knowledgeable ones, the dwijas, the Brahmins.

The process continued and the destruction of dwijas, the Brahmins was completed in Kashmir in 1990. Almost no Brahmin is left in Kashmir now. The genocide of Kashmiri Pandits is complete. The fact stands proved that the destruction of books, the cultural elements, leads to the physical annihilation of the authors and readers. The historical process has proved Per Federspiel wrong. In view of this historical fact, which may have parallels in other parts or world as well. The genocide convention needs a revision to include a holistic view of human existence. Otherwise the prevention of genocide will be as one sided as the concept of man in the convention. Article XVI of the convention allows for a revision if a contracting party wishes to do so. India should take a lead in this direction.

Kashmiri Pandit community has taken a lead in this matter. Panun Kashmir's Genocide and Atrocities Prevention Bill was proposed by the community in 2020. Panun Kashmir is a concept articulated in exodus by the community to return to the homeland of Kashmir after the Kashmiri Pandit community had to leave Kashmir after the seventh wave of genocide in 1990. The idea took roots about six centuries back when with the first wave of genocide Pandit Jonaraja had to write :

**kaśmīra deśācārāṇāṃ dhvaṃsoatha yavanaiḥ kṛtaḥ ||**
**575**

It was from that very day that Kashmiri Pandits must have begun to think that deśācār, their place behaviour, their place identity stood destroyed and they had to find their own place to live and preserve their existence that their place, their own Kashmir had granted them. This ages old civilizational urge is articulated in the idea of Panun Kashmir. Panun Kashmir's Genocide and Atrocities Prevention Bill-2020 is not aimed at punishing just the perpetrators in Kashmir. It is aimed at serving every community in the world, not just to prevent their physical annihilation, but cultural and economic annihilation also. Though it has taken Art. II and Art III of the genocide convention as the basis of the explanation of the crime of genocide yet it is based on a holistic view of the existence of man. It can serve as the base material for the revision of the genocide convention.

Many Parliaments have written their genocide laws in their own words though many like Israel, Germany, UK and Hungary have taken Article II Verbatim with some change in language. Though some states have altered the definition given in Article II yet no objections have been raised by anybody regarding those alterations. In Spain the definition includes two acts not specified in Article II: Sexual assault on a member of the group, and forced removals of the group or of members. This was because Spanish Parliament framed the law after the Bosnian war in which there were too many sexual assaults and forced removals of the members of the groups. Spanish Parliament took a wider, international cultural sphere and its morbidities into consideration while framing its preventive laws.

Israel is an example of the determination of a state to punish the perpetrators of genocide. It had a law adopted in 1950 that took in the Article II of the convention but it could be applied only to the acts committed after 1950. Israel adopted another statute in 1950 that was called the Nazis and Nazi Collaborators (Punishment) Law. The law dealt with war crimes, crimes against humanity and the crimes against the Jewish people. This law allowed retroactive action, specifically for the period of World War II. It also included punishments for cultural genocide clearly enunciated as a category of punishable acts: destroying or desecrating Jewish religious or cultural assets or values. Adolf Eichmann was convicted under this statute. Israel took both physical and cultural destruction into consideration in this statute.

Colonial powers had opposed the inclusion of cultural genocide into the convention to avoid getting implicated into the crime of genocide. Much water has flowed down all rivers in the world since then. There are countries, who, while framing their laws against the genocide have gone with the fact that it is not possible to frame their laws with a convention that aims to prevent just the biological genocide of man. They have taken it as just a guideline that it actually is. We need to understand that biology and culture of man are intertwined, ever active, simultaneously. They never act without each other. So that when some cultural thing is destroyed our biological system feels the pain. Who can deny that the hand of culture immediately takes over when a child is delivered from the womb on the hands of a doctor or a midwife.

*Israel is an example of the determination of a state to punish the perpetrators of genocide. It had a law adopted in 1950 that took in the Article II of the convention but it could be applied only to the acts committed after 1950. Israel adopted another statute in 1950 that was called the Nazis and Nazi Collaborators (Punishment) Law.*

# The Phenomenon of Rescue (Pandit Jonaraja's view)

**Pandit Jonaraja (1389-1459), himself a survivor of genocide, the perpetrators of which were devoted to Islam, laid the foundations of the academic discipline of genocide studies. As a survivor of genocide he understands the importance of a rescuer which, in his case was Sulgtan Zain-ul-abidin Badshah. He visualises the rescuer as a form of the saviour god Lord Vishnu.**

**Dr. Dileep Kumar Kaul**
Director, JIGAS

Rescue is divine. That is why in Indic tradition there is a rescuer/saviour god named Lord Vishnu. Ten incarnations of Lord Vishnu are in essence of ten phases of evolution of humanity. The phenomenon of rescue is integral to all phases because every phase of history has to face assaults of evil, adharma as we call it in Indic tradition and the rescuer god comes in one form or the other to restore dharma, the phenomenon that incorporates everything good, virtuous and righteous so that order is restored on earth.

Pandit Jonaraja (1389-1459), himself a survivor of genocide, the perpetrators of which were devoted to Islam, laid the foundations of the academic discipline of genocide studies. As a survivor of genocide he understands the importance of a rescuer which, in his case was Sultan Zain-ul-abidin Badshah. He visualises the rescuer as a form of the saviour god Lord Vishnu:

**mlecchairūpadrutāṃ kṣoṇīmakṣīṇakaruṇo nṛpaḥ.**
**udahārṣīkramādevaṃ dānavairiva keśavaḥ.**
**(820)**

(In this process the kind-hearted king rescued this earth from the clutches of mlecchas, the Islamic perpetrators of genocide, in the same way as Lord Keshava (Lord Krishna, the incarnation of the rescuer god, Lord Vishnu) rescued this earth from the clutches of Danavas.)

> *Pandit Jonaraja (1389-1459), himself a survivor of genocide, the perpetrators of which were devoted to Islam, laid the foundations of the academic discipline of genocide studies. As a survivor of genocide he understands the importance of a rescuer which, in his case was Sultan Zain-ul-abidin Badshah. He visualises the rescuer as a form of the saviour god Lord Vishnu:*

Jonaraja praises the rescuer but does not forget to mention the perpetrator (mleccha). He does not allow the rescuer narrative to cover the crime committed by the perpetrator.

A Muslim king, a member of the perpetrator community is equated with a form of the saviour god Lord Vishnu. But that is of no consequence when victims of a genocide are rescued. A rescuer, whoever he is, is a form of the rescuer god Lord Vishnu as per Indic line of thought.

Badshah had got a dangerous carbuncle on his elbow. His pain and overall condition worsened and no one could treat his ailment that could prove fatal. Viṣavaidyas, the specialist doctors who could give treatment for such fatal diseases were all Kashmiri Pandits and had fled Kashmir due to atrocities committed by the Muslim perpetrators:

**māghamāsīva puṣpāṇāṃ mlecchaprāleyabādhayā|**
**na lābhoviṣavaidyānāṃ deśesminnabhavattadā||**
**811**

(As there are no flowers in extreme winter due to frost, no Viṣavaidyas could be found in Kashmir due to the atrocities committed by Muslims.)

But the officers of the King were somehow able to find Shiryabhatt. He was so afraid and tried to avoid. Such was the atmosphere even in Badshah's regime. Jonaraja tells us about the atmosphere:

**hāsāḥ śmaśānadevīnāṃ sūhabhaṭṭaṃ pratīva tama|**
**pratisthānaṃ vimānāni pretānāmadyutaṃstadā||**
**819**

(At that time, the genocidal environment created by Suhabhatta had every nook and corner filled with the laughter of the dreadful goddesses of the cremation grounds that were changing their shape every moment just like the phantoms who dwelt everywhere.)

But the King assured Shiryabhatta that he had nothing to fear. Then Shiryabhatta, a genius doctor treated the King and his carbuncle was cured. The doctor shot to fame, the king and the people were happy. The King wanted to give the doctor everything he wanted but Shiryabhatt did not want anything for himself. He asked for the security of the people of his community and the king was more than ready to grant it. He did everything to make the victim community comfortable in every way.

What made Sultan Zainulabdin so divine that Jonaraja equated him with Keshava, the name given to Lord Krishna, the epitome of Dharma? What is Dharma? To understand the meaning of Dharma let us turn to the second sutra of the Vaisheshika philosophy of Kanad, the great atomist philosopher. The sutra is:

yato abhyudayaniḥśreyasasiddhiḥ sa dharmaḥ.

Whatever grants us earthly (material) and the best (spiritual) attainments is dharma. Thus whoever inhibits earthly and spiritual progress of a man or a community is following Adharma and adharma is nothing but evil. Thus we can easily infer that a rescuer is one who works in every way to uphold the right of earthly and spiritual progress for all. But the perpetrators like Suhabhatta did everything to thwart the material and the spiritual progress of Kashmiri Pandits. That is what a perpetrator does.

What are the attributes of a person who follows dharma? Manusmriti, a prominent text of Hindu law has given ten attributes of Dharma:

**dhṛti kṣamā damosteyaṃ śaucaṃ indriyanigrahaḥ.**
**dhīrvidyā satyaṃ akrodho daśakaṃ dharmalakṣaṇaṃ.**

Dhṛti is patience. Kṣamā is tolerance, being unaffected with praise, condemnation, profit loss and such other things. Damah is committing your mind to Dharma to such an extent that adharma does not find any place in your life. Asteya is not resorting to thieving or deceit. Śaucaṃ is giving up any discriminatory thoughts and keeping your inner self clean along with the cleanliness of outer body. Indriyanigrahaḥ is stilling of senses so that Adharma finds no place in them. Dhī is doing everything to enhance your intellect and wisdom. Vidyā is to have the realistic knowledge of everything from this earth to the ultimate divine and receive everything possible from all these. As the essence of knowledge is grasped it should flow into your speech and activity otherwise it is Adharma. Satya is to see everything in totality and speak and act accordingly. Akrodh means being without anger and this stage is automatically achieved when the nine stages before it, are attained by a person.

These ten attributes of dharma involve a continuum. Dharma is the highest degree of these attributes and the lowest degree is Adharma. Perpetrators of genocide and their collaborators fall near the lowest levels. The bystander is somewhere in between and the rescuer is at the highest level. All these constituents of the process of genocide can be understood through the continuum of these ten attributes.

It is on the basis of these attributes that the change of perception of Badshah in relation to the victim community of Kashmiri Pandits occurred. As per Kristen Renwich Monroe who has worked on rescuers, the character of the person who rescues is important. But along with that the perceptual relationship of the rescuer with the victim is of critical importance.

If we take the element of Satya (Truth, the ninth attribute) Badshash got the perception of truth of his existence when he came into contact with Shiryabhatt. He was dying of carbuncle. Though he belonged to the perpetrator community yet he had the right to live and was entitled to be rescued from the clutches of death which Shirya bhatt did. That is due to a very high level of the ten attributes of Dharma mentioned above. Shiryabhatt secured his right to life. He was a rescuer and that is not unusual for a doctor. The King reciprocated with securing the spiritual and material life of his rescuer and extended this sense of rescue to the whole Kashmiri Pandit/ Non-Muslim community. This was ethical reciprocation that was ingrained into Badshah's identity due to his encounter with Shiryabhatta. Badshah got a holistic view of truth of his life and his perceptual relationship with the victim community underwent a total change. This encounter with Shiryabhatt was a transformative encounter that changed the personality of Badshah and gave rise to his rescuer self that works to uphold the spiritual and material progress for all.

Psychohistorian Robert J. Lifton has said that people create new selves when their behaviour and their sense of right or wrong do not make sense in the new situations. They become decentered and try to find new centers to restore psychological equilibrium. The carbuncle and inability to find cure for it had decentered Badshah psychologically but Shiryabhatt provided him with a new center to create a new self that immortalized him as a rescuer. That is a great example to emulate in the Kashmir of our times. But it is hardly possible in a society where genocide is complete and the victim community has been reduced to just nothing.

Badshah, despite his extraordinary commitment to secure the material and spiritual life of Kashmiri Pandits, the victims of genocide could not do much on one account. He could not eliminate jazia, a prominent element of dehumanization in a genocidal culture where the victim has to pay a fine to exist as who he is. Badshah lessened the Jazia to just one masha (0.972 gms) of silver when it was 192 mashas during the times of the previous kings. This means that the radical Muslim elements were active and powerful during his times and he did not find it apt to annoy them by abolishing Jazia. These radical elements persisted and flourished after Badshah, giving rise to more waves of genocide. This is the lesson that our world has to learn from Badshah.

In a genocidal environment, rescuers exist alongside the perpetrators, the former at the highest and the later at the lowest level of Dharma. The victim who benefits from the existence of a rescuer may still be trapped in the sense of atrocities, the incalculable moral outrage he has suffered, and think of annihilating the perpetrator community. That will be the continuation of the genocidal environment and nothing but sheer Adharma. The existence of rescuers proves that the perpetrators are there and need to be punished.

Half a century of peaceful and progressive government for all by Badshah stands out from about seven centuries of atrocities and genocide committed on Kashmiri Pandits. It proves that Badshah resorted to ethical reciprocation of Dharma when a victim ensured his right to live. He acknowledged the contribution of the victim and the admiration was extended to the overall victim community. But no other ruler has shown this sense of acknowledgement till date.

***In a genocidal environment, rescuers exist alongside the perpetrators, the former at the highest and the later at the lowest level of Dharma. The victim who benefits from the existence of a rescuer may still be trapped in the sense of atrocities, the incalculable moral outrage he has suffered, and think of annihilating the perpetrator community. That will be the continuation of the genocidal environment and nothing but sheer Adharma.***

# Mass Atrocity Rescues: Affirming the Idea of Humanity

**Mass atrocities are crimes that differ qualitatively from other crimes due to their scale, nature, and impact on individuals and communities. As a result, they require a different response than ordinary crimes, known as transitional justice, which seeks to address the root causes of such atrocities and bring about a lasting resolution.**

**Tito Ganju**
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Mass atrocities are crimes that differ qualitatively from other crimes due to their scale, nature, and impact on individuals and communities. As a result, they require a different response than ordinary crimes, known as transitional justice, which seeks to address the root causes of such atrocities and bring about a lasting resolution. Despite acts of selfless heroism and sacrifice occurring in various contexts, acts of rescue during episodes of mass atrocity carry a unique significance, which amplifies their importance beyond the individual action.

This significance can be understood by drawing an analogy with the concept of crimes against humanity. This notion recognizes that certain crimes, when committed under specific circumstances, become more than just offences against individuals. They become offences against the very idea of humanity and violate the core humanity that we all share and that distinguishes us from other natural beings. Crimes against humanity "aggrieve not only victims and their own communities but all human beings, regardless of their community." Therefore, these offences cut deep, violating the core principles that define us as human beings, and become a concern for the international community.

A single act such as murder, can become a crime against humanity if it is part of a widespread or systematic attack directed against a civilian population. This is a crucial aspect of the concept of crimes against humanity because it recognizes the collective nature of such crimes and the need for a collective response. Such crimes are not just directed against individuals or communities but violate the very idea of humanity, which is a shared value that binds us together.

Acts of rescuers during mass atrocities acquire a unique significance because they represent a response to such crimes that upholds the core principles of humanity and challenges the perpetrators' attempt to destroy them. Acts of rescuers, whether it is saving people from genocide, ethnic cleansing, or other forms of mass violence, represent a fundamental challenge to the logic of such crimes. They demonstrate that even in the face of the most heinous crimes, there are people who are willing to risk their lives to uphold the values that define us as human beings.

There have been countless examples throughout history of such individuals who have saved countless lives in times of genocide and atrocities.One of the earliest recorded instances of rescue dates back to the time of the Old Testament, where Pharaoh's daughter rescued Moses from the Nile River. In modern times, a notable example is that of Oskar Schindler, a businessman who saved the lives of over a thousand Jewish people during the Holocaust. These individuals demonstrate the power of individual action in the face of overwhelming evil.

However, despite the valiant efforts of these rescuers,atrocities have continued to occur. With the advancement of technology and communications, atrocities have become even more efficient at killing large numbers of people. The Armenian genocide, which occurred in 1915, and the global outrage and horror it generated, did little to prevent the genocides that have followed in the decades since then.

Despite the enormity of the task, there have been many individuals and organizations who have continued to work tirelessly to make a difference in times of atrocity and genocide. These include groups such as the International Rescue Committee, the Save Darfur Coalition, and Doctors Without Borders. Through their efforts, they have been able to provide emergency aid, medical care, and support to victims of Atrocities around the world.

One of the most significant rescuers of genocide in the 20th century was the Swedish diplomat Raoul Wallenberg. During World War II, Wallenberg served as the Swedish envoy to Hungary. In this role, he was able to secure the release of tens of thousands of Jews from the Nazis by issuing them protective passports. He also organized shelters and food kitchens for those who were unable to leave the country. Unfortunately, Wallenberg was later arrested by the Soviet Union and disappeared, making him one of the many casualties of the war.

Another notable example of a rescuer is Paul Rusesabagina, who saved the lives of over 1,200 Rwandans during the Rwandan genocide in 1994. As a hotel manager, Rusesabagina used his connections and resources to provide safety to those being targeted by the Hutu-led government. His story was brought to international attention through the 2004 movie Hotel Rwanda.

There are also many instances of mass rescue efforts. The efforts of the American Relief Administration in post-World War I Europe saved the lives of millions of individuals struggling with famine and disease. Similarly, the "Lost Boys of Sudan" were rescued by the international community in the early 2000s, as they fled violence and turmoil in their homeland.

Furthermore, acts of rescuers during mass atrocities also have a broader impact beyond the immediate context of the atrocity. They serve as a beacon of hope and inspiration to others, both in the affected communities and around the world. They demonstrate that even in the darkest of times, there are individuals who are willing to take a stand for what is right and just, and that such acts can have a transformative impact on individuals, communities, and societies.

Acts of rescuers during mass atrocities have a special significance that goes beyond individual actions. They become rescuers for humanity, affirming the idea of human decency in the face of widespread and systematic violence. In contrast, crimes against humanity violate the very core elements of humanity and offend the very idea of it. The International Criminal Tribunal for the former Yugoslavia has described crimes against humanity as crimes of a special nature to which a greater degree of moral turpitude attaches than to an ordinary crime. Similarly, rescues from such crimes are also of a special nature and deserving of a special degree of moral recognition.

Transitional justice, which responds to mass atrocities, deals with crimes of a scope and targeting of collective identities that are considered extraordinary. The rescues from these crimes are also extraordinary and should be of concern to the international community, resonating beyond the national borders in which they took place. Rescuers for humanity correspond to international norms rather than local laws, and they deserve international appreciation even if they were against local legislation at the time.

The defining feature that sets crimes against humanity apart from ordinary crimes is not just their magnitude but the overall context in which they were committed. This context, captured by the concept of "system crimes," involves large-scale crimes that require a high degree of organization, are carried out as part of a sanctioned policy of a regime or through a religious diktat, involve mobilization of a large number of participants, and affect a large number of victims. This context informs the concept of mass atrocity rescues as well.

The response to mass atrocities ,transitional justice,differs from ordinary justice because mass atrocities are qualitatively different from other crimes. Acts of rescue carried out during episodes of mass atrocity have a unique meaning that goes beyond the individual action. Although acts of selfless heroism and sacrifice for the sake of others can take place in many contexts, such as jumping into a river to save a drowning person or entering a burning building to pull people out, acts of rescue during mass atrocity have a special significance, their importance amplified beyond the individual action.

The significance of acts of rescue during mass atrocities may be understood through an analogy with the concept of crimes against humanity. Crimes against humanity are crimes that violate the very idea of humanity. They “aggrieve not only victims and their own communities, but all human beings, regardless of their community . . . . [T]he phrase suggests that these offences cut deep, violating the core humanity that we all share and that distinguishes us from other natural beings.”

In the same way that crimes against humanity offend the very idea of humanity, acts of rescuers, accomplished against a background of widespread and systematic violence, affirm the idea of humanity. They become rescuers for humanity.

Crimes against humanity are often set apart from ordinary crimes by their magnitude, but the defining feature of the distinction is the overall context in which the crimes were committed. This context, which also applies to large-scale war crimes and other serious human rights abuses, is captured by the concept of “system crimes”: large-scale crimes requiring a high degree of organization, carried out as part of an officially sanctioned policy, based on the mobilization of a large number of participants, and affecting large numbers of victims. This context informs the concept of mass atrocity rescues as well.

During mass atrocity, the figure that emerges is of the rescuer as deviant. The acts of rescuer have special dimensions that make them a particular form of behavior, different from other types of voluntary risky behavior. Those who were protected and saved during mass atrocities came from different ethnic or religious groups than those of the rescuers, during periods where such differences were elevated and enforced. Most importantly, in the context of officially endorsed system crimes, such rescues were often illegal and punished severely. The background of these rescues is therefore the opposite of “ordinary” acts of rescue, for which the rescuer gains society's adulation and reverence.

As Samuel Oliner and Pearl Oliner have noted, Holocaust rescue activity differed from altruistic behaviors rooted in approved social norms. In the context of World War II, the rescue of Jews was legally prohibited, and broad extra-legal norms were at best ambivalent and at worst supportive of Nazi policies. Rescuers could anticipate little external approval. Such rescuers acted against the mainstream of their society in a way that would often be illegal, but in any case would be seen as a form of deviancy.

The significance of such rescues resonates beyond the national borders in which they took place and corresponds to international norms rather than local laws. A crime against humanity remains an international crime even if it did not violate domestic law. By extension, rescuers for humanity deserve international appreciation whether or not they were against local legislation at the time.

***The defining feature that sets crimes against humanity apart from ordinary crimes is not just their magnitude but the overall context in which they were committed. This context, captured by the concept of "system crimes," involves large-scale crimes that require a high degree of organization, are carried out as part of a sanctioned policy of a regime or through a religious diktat, involve mobilization of a large number of participants, and affect a large number of victims.***

# The heroism of an ordinary Rescuer.

**One of the most repeated and heinous crimes a community or humanity can ever face is genocide.
Many would wonder: What exactly is genocide? Genocide can be defined as an intentional act causing harm to a certain ethnic group or communities belonging to a different race, religion, and national identity.**

**Shyla Koul**
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Bharti Vidyapeeth

Before getting started, I want you to close your eyes and imagine that one night you're sound asleep in your warm, fuzzy bed, with peace and serenity surrounding you. The cold breeze gently sweeps across your face, making you smile softly. All your worries and miseries of the day are slowly vanishing from your thoughts, until you hear an ear-splitting bomb blast in your neighborhood and see stones smashing up your glass windows and entering your space. There are chills running down your spine, and an anxiety attack is just waiting to happen. You hear screams of pain and people begging for mercy in exchange for whatever they have; everything seems disrupted and catastrophic, and amidst this, you're all alone, which is terrifying, right? Well, this is an iota of what an actual genocide sounds like.

One of the most repeated and heinous crimes a community or humanity can ever face is genocide.
Many would wonder: What exactly is genocide? Genocide can be defined as an intentional act causing harm to a certain ethnic group or communities belonging to a different race, religion, and national identity. According to scholars like KR Monroe, there are three factors that induce genocide.

1. **Macro phenomena:** this includes external or internal aggression and economic depression.
2. **Political factors:** the regimes of dictators, like Hitler, who instigated the persecution of Jews.
3. **Psychology:** It is also important to understand the thinking that goes into the agency of perpetrators that create havoc for the rest of the communities.

One may observe that every genocide has four different groups that are either actively or passively included in the genocide: perpetrators, victims, bystanders, and rescuers.

In this article, I'll be emphasizing on rescuers of any given Genocide.
Rescuers are an agency of ideology that believes in the fact that every human is connected to each other through the bond of humanity. Their value system is different from that of the perpetrator group. The help that a rescuer provides can be categorized into 3 sections.

**Conventional Help:** Here the 'rescuers' helps the victim with the motive that if they(rescuers) need help, the others will return the favour. This concept is based on the 'give and take' concept of society.

**Pre-conventional Help:** Here the helper is motivated by the idea of good deeds or karma. They establish a connection between their respective religion and rescuing others because they feel that if they don't help the victims, they'll be answerable to the almighty.

**Post-conventional help:** here the helper derives their nature to help by the means of their nurturing or the way they were conditioned in their early years; for instance, if they were taught the lessons of empathy, humanity, and helping everyone around them, then it will instil a rescuer mindset in them.

In order to understand the concept of rescuers, we would need to draw analogies and evaluate them, and for that, given below are some case studies of rescuers in different situations.

**1.** Albert Battel was a German lawyer aged 51 when he was appointed as a reserve officer in Przemysl, which is located in south Poland. When the special services unit (SS) launched a large-scale 'resettlement programme against the Jews, he took a grave risk and blocked the bridge, which was the sole access to the Jewish Ghetto for the SS, and he also managed to whisk away hundreds of Jews from the Ghetto to a safer space. The SS began a secret investigation against him as he had already caught attention by being 'friendly' to jews. Later he was reprimanded during the course of his posting for shaking hands with the chairperson of the Jewish council, Duldig. He was also stopped from practising law by a denazification court and eventually ended up working at a factory.

**2.** During the Tutsi genocide in Rwanda Myirabayoul, a 67-year-old midwife who happened to be a Hutu, sheltered around 18 Tutsis

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in her house. Also, Father Celestin hid hundreds of Tutsis in the St. Paul pastoral centre situated in Kigali. Their contribution was later recognised in the report named 'Tribute to Courage'. They can be classified as 'unsung heroes' as they haven't been mentioned enough on the internet and other valuable resources to study the genocide of Rwanda.

**3.** Mohd. Yusuf Halwai fearlessly challenged the anti-India forces by exhibiting a great sense of nationalism towards India at a time when militancy was at its peak in Kashmir. His 'help' here cannot be considered a conventional way of rescuing. His classification can be done as an upstander which is briefly defined as someone who protests against the agency of perpetrators. The upstanders fall into the umbrella of a rescuer and therefore he can be termed as a rescuer as well. Unfortunately on 16th of august 1989 he was gunned down in the broad daylight for not adhering to the perpetrator's ideology.

If we analyse the above-cited case studies, then it becomes easier for us to understand the psyche of the rescuers. They seem to be motivated by their morals, and they seemingly condemn the perpetrators regardless of the fact that they belonged to the same community. Their ideologies certainly precipitated danger to their well-being, and regardless, they depicted obstinate determination to aid the victims.

To conclude, I would like to state that our world is a diverse place to live in, and this diversity can become a bane sometimes. People are overprotective and fragile about their culture and religion, and this fragility can become fatal sometimes. They indirectly establish a need to persecute a certain sect in order to save their respective identities. One should imbibe the qualities of the rescuers because in today's world and society Genocide is gradually becoming a burning issue for which we would certainly need such a vehement sense of humanity and irreplaceable conviction that was clearly displayed by the above-mentioned unsung heroes to eradicate this inhumane crime altogether.

* * *

**कथाशेषीकृते सर्वगीर्वाणप्रतिमागणे।**
**व्याधिमुक्त इवाssनन्दं सूहभट्टोsभजत्तत: ।604**

JONARAJA SAYS THAT SUHABHATTA BROKE IDOLS OF ALL DEITIES AND FELT SO DELIGHTED AS IF RELIEVED FROM A SEVERE AILMENT. HERE DEITIES ARE EQUATED WITH DISEASE. THIS IS TOXIFICATION OF THE DEITIES OF THE "OTHER". SO, THE OTHER IS ALSO TOXIC. TOXIIFICATION IS THE SEVEREST FORM OF DEHUMANIZATION.

JONARAJA RAJTARANGINI - II

Epilogue
BRIDGING DIVIDES
Via Talks & Trade
JAMMU AS IT IS
CHALLENGE
LADHA
70 YEARS OF INTERLOCUTION
QUIET DIPLOMACY
ROUND TABLES
ACCORDS & DISCORDS
NEW DELHI'S MISSION IN J&K
10 Years
2 PRIME MINISTERS
9 Visits
REVEALED
JAMMU & KASHMIR
IN NUMBERS

JONARAJA INSTITUTE OF GENOCIDE AND ATROCITIES STUDIES

# Why is it essential for women to study Genocide and atrocities?

Genocide and mass atrocities are not spontaneous events, but rather the result of long-standing conflicts, hatred, and systematic oppression. By studying these events, young women can develop a deeper understanding of the root causes that lead to genocide and atrocities.

**Isha Ganju**
Student, Delhi University

The documented genocides in modern history, such as those in Rwanda, Armenia, Guatemala, and the Holocaust, highlight the gendered nature of traumatic memory. Scholars and human rights advocates emphasize the importance of women's voices and perspectives in understanding the dynamics that emerge during genocidal violence. Focusing only on killing as a genocidal act ignores the non-lethal violence committed against men and boys, including rape and torture, which are also part of the act of causing serious harm to the group. Although perpetrators strategically use brutal rapes and other crimes against women to attack the group as a whole, some argue that only the number of those killed should determine whether genocide has occurred. Not only the crimes against women are overlooked but also the crimes against men other than killing as mentioned above are ignored . Studying genocide and atrocities will make men aware and empathetic too, as these crimes are still crimes but people do not include these when talking about genocide. However, this ignores the intent behind the attacks and the acts committed, which should determine whether genocide has occurred or will occur.

The study of genocide and atrocities is crucial for women as it reveals the gendered and feminized aspects of these conflicts. Women are often positioned as sexual objects, symbols of national and ethnic identity, and victims of rape. However, understanding the role of women in these conflicts can be challenging, both for women and social scientists. It is vital to create a space for women who have experienced atrocities to share their stories and begin to bridge the gap between the traumatic experiences of genocide and the language available to describe them. Therefore, studying genocide and wars is essential for women to gain a better understanding of their place in these conflicts and contribute to developing strategies for ending them.

**Understanding the Causes of Genocide and Atrocities:**

Young women need to understand that gender is not synonymous with the oppression of females by males. When we talk about genocide we have to take both genders, male and female into consideration. The term root-and-branch genocide carries the meaning of the murder of every member of the victim group—women, children, old and young men. But the term has a gendered meaning as well. Mother (woman) is the root and the child is the branch. Root-and-branch genocide involves a kill-all behaviour.

The modern times have not seen frequent root-and-branch genocides. If we talk of gendericide or gender-selective genocide, the males of battle age are killed primarily, because they can resist and fight back. There is no threat of resistance from women. Males can be killed and used as slaves. Young women have to understand such genocidal schemes so that such gender based ideologies are resisted and eradicated.

Genocide and mass atrocities are not spontaneous events, but rather the result of long-standing conflicts, hatred, and systematic oppression. By studying these events, young women can develop a deeper understanding of the root causes that lead to genocide and atrocities. They can learn about the complex historical, political, and social factors that contribute to the escalation of violence and conflict. This knowledge can help young women identify early warning signs of potential mass atrocities and take preventive measures before it's too late.

For example, the Rwandan genocide, which occurred in 1994, was the result of a long-standing conflict between the Hutu and Tutsi ethnic groups, fuelled by political, economic, and social factors. The genocide resulted in the deaths of an estimated 800,000 people, mostly Tutsi, in just 100 days. When such a hypergenocide occurs it may lead to psychic numbing, a feeling of utter helplessness. But it is this high scale of violence that can drive women towards action. It needs to be noted that in Rwanda even women participated in genocide. With their children tied on their backs they killed the women of the victim community.

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Women all over the world need to create an alliance to keep at bay, the emergence of such violent reactions from women. Women need to understand that when a genocidal situation like Rwanda occurs, women become equal participants in the atrocities. It is not without reason that the term "Rwanda test" is used to assess the participation of females in a genocide. The international Criminal Tribunal for Rwanda indicted Pauline Nyiramasuhuko for "personally directing squads of Hutu men to torture and butcher Tutsi men, and to rape and mutilate Tutsi women." This has challenged the notion of powerlessness and innocence of women.

Still, most of us will agree that the presence and behaviour of women in a family acts as a restraint for the males to restrain their violence. But when women themselves are ready to join the violence the most concentrated ground level slaughter in twentieth century happens as in Karama in Butare prefecture of Rwanda where on April 20, 1994, between thirty five to forty thousand people were killed in less than six hours. Women have to understand their responsibility so that nowhere in this world such situations are repeated. That is possible only through the study of genocide. By studying the history and root causes of a conflict, young women can understand the importance of addressing underlying tensions and preventing violence before it escalates into a full-scale genocide. Women act as preventors of violence in families. They are the preventive elements capable of creating a world free of genocide.

**Empathy and Compassion:**
Studying genocide and atrocities can also foster empathy and compassion towards victims of such events. Learning about the suffering and trauma experienced by individuals and communities can create a deep sense of empathy, and inspire young women to take action. By understanding the human impact of genocide and atrocities, young women can become more compassionate and develop a greater sense of responsibility towards their fellow human beings.

For example, the experiences of survivors of the Holocaust, such as Anne Frank, have inspired generations of young women to speak out against prejudice and discrimination. By reading Anne Frank's diary, young women can develop a greater understanding of the human impact of the Holocaust and the importance of promoting tolerance and acceptance.

**Promoting Tolerance and Diversity:**
Genocide and atrocities often stem from intolerance, bigotry, and prejudice. By studying these events, young women can learn about the importance of tolerance and diversity. They can learn how to recognize and challenge discrimination and prejudice in their communities, and work towards creating a more inclusive and accepting society. Understanding the value of diversity can also help young women appreciate and respect different cultures and traditions, promoting a more harmonious world.

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# Cultural Genocide Of People Of East Bengal

In 1946 cultural genocide was conducted on the people of East Bengal via ethnic cleansing, conversion, and iconoclasts. To understand this, a brief history of the ethnic cleansing of Hindus in Bengal needs to be understood. On August 16th, 1946, Muslim League called for "Direct Action Day" to obtain Muslim "homeland" Pakistan via violent means.

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What is cultural genocide?

Cultural genocide is the systematic destruction of traditions, values, language, and other elements that make one group of people distinct from another . Raphael Lemkin, a Polish Jew defines cultural genocide as, "barbarity, conceived as oppressive and destructive acts directed against individuals as members of a national, religious, or racial group, and the crime of vandalism, conceived as malicious destruction of works of art and culture because they represent the specific creations of the genius of such groups." Jonaraj, a Kashmiri historian and poet of the 15th century defined ethnic cleansing and cultural genocide as "Jatividhwansa". In this paper I discuss how cultural genocide happened to the people and culture of East Bengal by taking specific historical examples.

## Cultural Genocide Of Hindus in East Bengal:
### *A Historical Background And Noakhali.*

In 1946 cultural genocide was conducted on the people of East Bengal via ethnic cleansing, conversion, and iconoclasts. To understand this, a brief history of the ethnic cleansing of Hindus in Bengal needs to be understood. On August 16th, 1946, Muslim League called for "Direct Action Day" to obtain Muslim "homeland" Pakistan via violent means. "Pakistan" would include large parts of Bengal and Assam in the East and Punjab in the West. Looting, killing, and arson happened in different parts of Calcutta, supported by the Muslim League Government of Suhrawardy (Sinha and Dasgupta, 2011). Although Hindus were the first ones to get assaulted, later they were able to retaliate. The news of the Hindu killings avenged through Muslims killings reached other parts of Bengal (Sinha & Dasgupta, 2011). This led to violence against Hindus in the Muslims majority East Bengal, particularly Noakhali under the leadership of the Islamic cleric, Pir Golam Sarawar Hossaini . Pir Golam Sarawar gave a call for Jihad against the Kafirs:

"Alhamdulillah's, Eid is happening in dark times. The Quran came into existence during this holy month of Ramadan. So, Allah gave permission to wage Jihad during this month of Ramadan. During this month of Ramadan the battle of Badr was fought. In this war the Prophet fought against a thousand Musrik with 313 Momems (Muslims). Again, during this holy month of Ramadan, the Prophet, messenger of Allah, with ten thousand Muslims won over the holy city of Mecca and established heaven on earth. It is the good luck of the Muslims that they have started Jihad for Pakistan in this month of Ramadan. The sad thing is that in the first stage of this Jihad we have been beaten by the Musriks. Now it is being heard that the (H)indus are bringing the Sikhs from Punjab to only to kill the Muslims" (Mukherjee, 2023).

This speech incited violence against Hindus as it was seen as a duty of all Muslims to destroy Hindus. On the day of the Eid Afjan and Karimullah attacked the house of Taraprassana Guha, a Hindu Talukadar . Deviprasad, elder son of Taraprassana, was killed in this attack because he built a Congress office with tin roof on a 8 acre plot. After this gold merchant Chandrakumar Karmakar was attacked. Chandrakumar was coming home on the day of Eid. Latif Sheikh and his gang stopped him on the way. Latif had taken a loan of about Rs 150 from Chandrakumar. But Latif did not pay back the capital or interest. There was a heated argument about this between him and Chandrakumar a couple of days ago. Seeing Chandrakumar, Latif started verbally abusing him by calling him, "Son of a bitch Malaun ". Chandrakumar tried to flee. But was captured by Latif and his gang. Torop Sheikh, who was in his mid 50s came with a sword, and Abid Sheikh said from the side, "Imam Saheb said, to cut a (H)indu is the same as cutting a goat, if you can cut him open." Muhammed Halim said to Torop, "In Calcutta the (H)indus murdered my brother-in-law. I will take revenge for it now." Torop Sheikh said, "Allahu Akbar" and brought down the sword on Chandrakumar's neck. (Mukherjee, 2023).

In a subsequent meeting Golam Sarawar met with the National Guard and further excited Muslims in the "holy war against infidels." He reared a deep

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*Muslim League supporters Hafex, Abdul High, Rakib, Fazal, Naoshad, Khodabags, Adil, Mansoor, Abu Taraf and others started to go towards Kusumpur. On their way they observed that the daily offerings to Goddess Kali were being carried on in the Kali temple of Sushil Chakravarty. Sushil Chakravarty was ringing the bell and offering food to the Goddess. His grandson Aurobindo was beating the bell drum. The maid Chapa was blowing on the conch shell. The looters entered.*

thundering voice, Golam Sarawat started saying, "This nation will be Pakistan. No son of a bitch Malaun will remain in this country. All will be forced to recite the kalima by pointing the spear at their chest. Pakistan means dar-ul-islam. Not one Mushrik (H)indu will be left. All will be circumcised, you guys have a lot of work now. Record the names of all the (H)indus around you. Also, take note of what temple which house has, smear all the houses with cow blood. If you can break them, do so. The idols will have to be broken first. Then urinate on top of them. Marry the Hindu women and then make them read Kalima. Decide who will marry whom. And decide how many will be killed." Abu Bakr present in the meeting said, "Whom will we finish, your honor" In response Sarwar said, "Finish all those who resist".

Further, Golam Sarawar said, "We still have a months' time. We must wage Jihad in all the zillas. We must ensure that no one flees from the village to the city. We must destroy the roads and bridges. We must see that the (H)indus do not get a boat to escape. Then we will take all their wealth, paddy-rice, cow-calves. We must hold a spear to their chest and force them to read the Kalima. Marry their women. If you do not want to marry their women, then take them to your bed." Abu Bakr asked in the context "What task do you allot us this moment?" To this Pir Saheb answered, "Make a list of all the villages under this police station. Then make a list of all the Hindu names and their occupations. Then make a list of all of you who want to participate in the action. Then decide according to the list who wants to work where. Of course, there is the question of how to get finances. We need a lot of kerosene to douche the (H)indus in fire." Saying this Golam Sarawar came out of the guard's room.

On 6 September in Sahapur Bazar leaders of Muslim League held a meeting. Maulana Sajiruddin, Maulana Abu, Barkat Chaudhury, Maulana Hafiz Ahmed Sarif, Maulana Imadul Haque, Maulana Karim Zakaria, Maulana Abid Sardana, Maulana Ifran Javed, Maulana Akil Sairani, Sheikh Jahiruddin, President of Muslim League, Vice President Sheikh Mujibar Rahman, Vice President Janab Haji Ishpinadiya, Secretary Janab Taher Abdulla, Vice President Janab Muhammed Osman, Taher Abdulla, Zilla President of Muslim National Guard, Pir Golam Sarawar were all present in that meeting. The Pir started to talk to Mujibar Rahman. Rahman Saheb said, "We must wait till the big puja. I have seen the calendar. Everyone will stay in the village till the Laxmi Puja . Jumma day is the day after Laxmi puja. We will call for Jihad on that day.

Muslim League supporters Hafex, Abdul High, Rakib, Fazal, Naoshad, Khodabags, Adil, Mansoor, Abu Taraf and others started to go towards Kusumpur. On their way they observed that the daily offerings to Goddess Kali were being carried on in the Kali temple of Sushil Chakravarty. Sushil Chakravarty was ringing the bell and offering food to the Goddess. His grandson Aurobindo was beating the bell drum. The maid Chapa was blowing on the conch shell. The looters entered. The black stone one and half feet idol of Kali was kicked and thrown on the floor. The two hands of the idol were broken, some pushed it and threw it on the floor. The two forehands of the idols were broken. They were laughing and dragged the idol through the fields and urinated on it. Seeing the condition Sushil Chakravarty pulled his grandson from the temple and fled.

On 8th September Rakib's soldiers started going towards Sahapur. There was Vikash Saha's house on the way. Nearly 300 looters gathered in the market of Sahapur and started looting the shops of Ratan Nandi. After this they attacked the molasses shop of Subodh Saha. After Rakib gang left another gang appeared. Hayderpur, Tekhali, Khalishpur, etc. They came from different places, they robbed the rice shop of Dulal Saha. Around two in the afternoon another gang came from Sankhchura. They started looting the gold shop of Jaynarayan.

The supporters of Muslim League started continuous torture. One hotel conductor, Jaminibabu was killed near Ghoshbag. The fishermen were attacked near Charruhiya. In Chandraguccha area Kaminikumar Pal and Jadavchandra Pal's shop were looted. In Munshi bazar all the shops were looted. In Raypur the idol inside Haren Ghosh's house was desecrated. Pieces of meat were thrown inside the temple. The Shiva Temple inside Dr. Jadunath Majumdar's house, Chandipur was destroyed. Widespread desecration of idols was done inside Nagendranath Majumdar and Rajkumar Chaudhury's family idols. In Kankirhat Hindu shops were looted. In Anuchar we 6-7 Hindu families. All the property was looted. Karapa Jadav Majumdar's house was attacked and Rs 1500 taken away. All the shops belonging to Hindus in Taj Muhammed market were looted. In Sahapur bazar several Hindu shops were looted. The idol of Goddess Durga was broken. Prasahuram's house in Tatar Mill was attacked. The Durga idol in their house was destroyed. All the Durga idols in Kheturi, Markachar, Angrapara were destroyed. In Nandanpur the idol in Subalchandra Banik's shop was looted. The slogans of the attakcers were "Allahu Akbar", "With sword in hand, song in the mouth, we will take Pakistan by force". "Pakistan Zindabad", "Muslim League Zindabad", "We want to avenge Calcutta" (Mukherjee, 2023).

The most gruesome happening happened on 10th October during the Kojagari Laxmi puja. Rajendralal Babu was the zilla President of the Hindu Mahasabha. Sarawar had a personal grudge towards Rajendralal. He was the zilla President of the Hindu Mahashabha and complained against Sarowar several times to the police and he was the advocate for his brother's lawsuit against Sarowar. Under this condition the monk Tryambakayananda came to the house of Rudralal Roychaudhuri in Karpara. He asked Rajendralala to arrange for a yajna (Mukherjee, 2023).

On October 10 nearly 1500 Muslims were joined where Golam Sarowar and other leaders of the Muslim league. They shouted together, “Allahu Akbar. Pakistan Zindabad. We will take Pakistan by force. Quade Azam Zindabad. Dayra Pir Zindabad.” Tofajjol of Muslim League went near the microphone and said, “The Pir of Dayere is here. Our meeting will start soon; first our Quoresh Mossed Imam Syed Tajuddin will say a few words” (Mukherjee, 2023).

Tajuddin Sahed came near the microphone. He said, “Alhamdulillah! All Muslim brothers, our Islam is like a silk thread. A sacred binding. That sacred binding is the worship of one Allah. If we do not pray to the one Allah, then we will be burnt in hellfire. Everyone was originally Muslim, and slave of Allah. Then some people forgot that they are slaves of Allah. They took other religions. Those who have gone far from Islam, must be returned to Islam. The path to this return is Jihad. This country of ours is filled with Musrik. Musrik have to be converted and brought to the true path of Allah. The Quran says the following regarding this: “After this when the month of Haj is over, annihilate the idolators where you find them, catch them and surround them and reach every place for their destination, later if they de-arm and pray, and give zakat, then give them way, certainly Allah is forgiving and compassionate.”

“ The Musrik kafirs are swarming all around you. Instead of letting them be burned in hellfire, it is your sacred duty to convert them. Everyone must believe in Allah's goodness. Today they will worship Laxmi, tomorrow, Goddess Kali, and the day after that Goddess Saraswati. This is not good news. This is the way to hell. Tomorrow is Jumma day, start your work from tomorrow. Make the Musrik (H)indus read Kalima, feed them beef. Make every (H)indu read kalima and your path to heaven is guaranteed. Start your duty now.” (Mukherjee, 2023)

A rumor was spread that the landlord (zamindar) of Narayanpur, Surendranath Basu, sent a telegram to get Sikh soldiers to help Hindus. After this hooligans attacked the Sahapur bazaar and started looting stuff. Their attack was conducted on Hindu fish sellers, betel leaf sellers and molasses sellers and the temples (mostly Kali and Sitala temples) were destroyed (Mukherjee, 2023).

After this the hooligans divided into three directions. One of the branches went north west near Ramgarh bazar. Another went to Dasgharia bazar and looted shop after shop belonging to Hindus. After looting they set fire to the shops. And the third party went to the Courthouse (Kachari) of the Zamindar or landlord's house in Narayanpur under the leadership of Kasem and Akbar, the two assistants of Sarowar. They had lethal weapons in their hands. At that time Landlord (Zamindar) Surendranarayan Basu was present with some of his employees. Suddenly they heard a commotion. Surendranath was startled. Quickly he closed the front gate and went upstairs. He took his double barrel gun. He peened and saw a huge crowd of black locust running on the red stones. All of them had white caps on. They had sticks, spears, knives by which cows are cut, swords, and shouting” Allahu Akbar, we will take Pakistan by force, Quede Azam Zindabad”. Lokesh, an employee of Surendranath Basu, Ahricharan and Bhudar and his cook Jatin Oja were scared and hid under a four-legged wooden bed downstairs. The commotion outside was increasing. The crazy crowd went quickly near the court house. They tried to break the main door. But as the door was heavy it would not break easily. Surendranath Basu fired two shots at the sky. But that did not scare anyone. The crazy crowd roared, “Allahu Akbar, killed the Malaun son of a bitch”. Quickly Surendranath loaded his gun. He fired aiming at the crowd, it hit the shoulder of one man, and the feet of another. The crowd shouted, “Careful Brothers, that bastard is firing.”

The gang started gathering hay in front of the main door. There was a heap in front of the door in a couple of minutes. They poured petrol on it and lit the fire. Surendranath decided that he would first kill a couple of these barbarians before he dies. The fire was burning and Surendranath leaped on the fire with his gun. But someone's spade hit him and the gun slipped from his hand, and someone's stick hit his forehead. They jumped on him and put a sword through his heart. After he was killed his severed heard was presented to Sarowar. Lokesh, Arjun, Haricharan, Bhudhar, and Jatin Oja were gruesomely killed and their corpses thrown in the fire

When the mad crowd was dousing fire in Surendranath's house then Golam Sarowar was proceeding towards his own house in a Jeep. On his right was Gaffar. The hooligans were following him. On the way there was Debnath's house. Nishkanta Debnath was a weaver by trade. There was an idol of Radha Madhav in a haystack in front of his house. The hooligans focused their attention on the idol. Seeing the crowd, Debnath's family had fled to the forest and taken refuge. The crowd entered their house and occupied it. In one blow they threw the idol of Radha Madhav on the ground. They looted all the copper and bronze cutlery used for the food. Then started attacking and looting from the main house.

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Then the house was put on fire. In this way village after village was looted and plundered and Hindu homes vandalized, destroyed, and Hindu men either killed or converted and Hindu women were violated (Mukherjee, 2023).

## Conclusion

What we see from the above description is a systematic target and ethnic cleansing of Hindus in East Bengal with the aim to eradicate their cultural identity. The above incidents of course must be read in the context of the holy war waged by Muslims to wipe off Hindu civilization from East Bengal. The result was a huge destruction, conversion, and one of the largest known flow of refugees from East to West Bengal. The cultural genocide in the form of destruction of temples and cultural artifacts continued during the Bangladesh Liberation War in 1971 and is continuing till date. This shows that cultural genocide extends over several generations and its aim is the destruction of a civilization. This type of cultural genocide is more in line with the definition given by Jonorak who uses the word "Jatividhwamsa, where the roots and branches of a tree (metaphor for civilization) are destroyed. We have to wait for the future to see what the future is for the Hindus of 'East Bengal" (now Bangladesh) and West Bengal.

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* * *

**जीवन्तो गणरात्र ते स्वकुटुम्बोक्तवेदनाः।**
**पौरैः सास्रुजलैर्दृष्टाः शूलपृष्ठे पुरान्तरे।। 2/49**

This verse is from Sirvara's ( Jonaraja's disciple) Rajatarangini. The description is of the atrocities committed by Purna, the barber, a close associate of Sultan Hyder Shah (1470-1472). Hydershah became Sultan immediately after the death of Badshah. Purna, the barber stopped Kashmiri Pandits if he found them anywhere and got them impaled. The impaled Pandits remained alive for many nights with the spear pierced bottom up into their bodies and the citizens, with tears in their eyes watched the relatives of impaled pandits, looking at them helplessly.

Shrivar Rajtarangini - III

ESTD. 2022

# Upholding the Rights of Victims: Ensuring Justice for Genocide and Gross Human Rights Violations

**Justice extends beyond the prosecution of perpetrators; it must also encompass reparations and redress for victims. The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law affirm the entitlement of victims to seek and obtain redress. Reparations can take various forms, such as compensation, restitution, rehabilitation, satisfaction, and guarantees of non-repetition.**

**Tito Ganju**
Chairman, JIGAS

Throughout the annals of history, humanity has witnessed numerous instances of genocide, atrocities, and gross human rights violations that have left indelible scars on the collective conscience of our global community. The pain and suffering endured by victims in these heinous acts demand not only our empathy but also our unwavering commitment to justice. International law conventions and norms play a crucial role in safeguarding the rights of victims, ensuring accountability, and paving the way for a more just and compassionate world.

## I. Recognizing the Rights of Victims:

At the heart of international law's response to genocide and gross human rights violations lies the recognition of victims' rights. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other key international instruments explicitly affirm the rights of victims, including the right to life, liberty, security, and the right to an effective remedy. These conventions acknowledge the immense harm suffered by individuals and communities, while placing a moral and legal obligation on states to protect, support, and empower victims.

## II. Pursuing Accountability:

One of the primary objectives of international law is to hold perpetrators accountable for their actions. Genocide and gross human rights violations often entail the intentional targeting of individuals based on their race, ethnicity, religion, or other protected characteristics. The Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. This convention, along with the Rome Statute of the International Criminal Court (ICC), enables the prosecution of those responsible for these grave crimes.

The ICC serves as an important judicial institution that prosecutes individuals accused of genocide, crimes against humanity, and war crimes. Its establishment signifies the international community's determination to end impunity for the most severe crimes known to humanity. By bringing perpetrators to justice, the ICC sends a strong message that such acts will not go unpunished, and it provides a glimmer of hope to victims and survivors who have long yearned for justice and redress.

## III. Ensuring Reparations and Redress:

Justice extends beyond the prosecution of perpetrators; it must also encompass reparations and redress for victims. The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law affirm the entitlement of victims to seek and obtain redress. Reparations can take various forms, such as compensation, restitution, rehabilitation, satisfaction, and guarantees of non-repetition.

By providing reparations, societies acknowledge the harm caused and take concrete steps to support victims in their healing process. Reparations can contribute to rebuilding shattered lives, communities, and trust in the justice system. Furthermore, they foster a sense of acknowledgement and ensure that victims are not forgotten, promoting a culture of accountability that deters future atrocities.

## IV. Strengthening International Cooperation:

The fight for justice requires robust international cooperation. The establishment of specialized international tribunals, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, demonstrates the international community's commitment to addressing the unique challenges posed by genocide and gross human rights violations. These tribunals, along with domestic courts and truth commissions, serve as vital mechanisms for delivering justice and truth-seeking.

To further strengthen international cooperation, states should prioritize the extradition of

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individuals accused of crimes against humanity and genocide, regardless of their location. Extradition treaties and agreements should be developed and enforced to ensure that perpetrators cannot escape justice by seeking refuge in other countries. Collaboration between states, international organizations, and civil society groups can enhance investigative capacities, share information, and support victims in their pursuit of justice.

The rights of victims of genocide, atrocities, and gross human rights violations must be safeguarded, and justice must prevail. International law conventions and norms provide a framework for pursuing accountability, ensuring reparations, and strengthening international cooperation. However, the implementation of these measures necessitates collective action, political will, and sustained commitment from the international community.

As individuals and societies, we bear a collective responsibility to support victims and survivors, amplify their voices, and demand justice. By doing so, we contribute to healing the wounds inflicted by past atrocities and preventing future horrors. Upholding the rights of victims is not only a legal obligation but a moral imperative that reflects our shared commitment to human dignity, justice, and a more compassionate world.

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# Kashmiri Pandit Genocide: Agency and Victimhood

**The basic reality of existence of Man in a social set up is well articulated in the principle of Panch Kanchuk in Kashmiri Shaivism. Panch Kanchuk incorporates five limits within which the existence of man flourishes in a society. These five limits are niyati, kāla, rāga, vidyā and kalā.**

**Dr. Dileep Kumar Kaul**
Director, JIGAS

The basic reality of existence of Man in a social set up is well articulated in the principle of Panch Kanchuk in Kashmiri Shaivism. Panch Kanchuk incorporates five limits within which the existence of man flourishes in a society. These five limits are **niyati, kāla, rāga, vidyā and kalā. Niyati** is the place where a man lives. The nearest word for Niyati in English is destiny. The place, our basic place, is really our destiny. It remains with us wherever we go, throughout our lives. We live all our years of life in a place which gives us the sense of **kāla,** the period of time we pass through. This is the sense of History, personal or of the collective we are a part of. **Rāga** is the social bonding, our social relations which cannot happen unless we live in a place. **Vidyā,** knowledge can also happen to us if we are stable, placed with all resources of knowledge at a specific place. Same is true of **Kalā**, that means art, which is not possible without being at a place.

Place or Niyati is the key factor that makes four other elements happen. These five elements are true of every community that can be identified as racial, religious, ethnic or national as specified in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. These elements, in fact, deal with the issue of agency. What is agency? Agency is the power of the free will of the people. They feel free to think for themselves and act in their own ways and that thinking and acting gives a shape to their experiences and determine the path of their lives. When we live in a place, we own it and that sense of ownness enables us to give a shape to the place, to determine how it should look like. This enables the creation of art, relationships and attainment of knowledge. In total, we can act out of our free will, to shape our life in the place we live in. In short, place is integral to every form of human activity. Place makes us and we make the place. It is the interaction with our place from where our agency begins. When this interaction with our place is hindered in any way by another group of people the agency of the dwellers is hindered and the possibilities of genocide emerge.

Let us take an example from the third Rajagtarangini, the Rajatarngini written by Srivara.

**śekandhara dharānātho yavanaiḥ preritaḥ puraḥ|**
**pustakāna sakalāna sarvāṃstṛṇāngnirivādāhata|**
**75/5**

Srivara says that Sultan Sikandar, inspired with his radicalised ideology burnt every book, everywhere as if he was burning hay. This is the assault on the element of Vidyā, that is Knowledge, for which Kashmiri Pandits were known. Their tradition, of knowledge was the primary source of their agency. Destroying the proof of this tradition, burning their books was a major blow to the power of agency that made them what they were. Libraries, the centres of books, like the family, the state, a temple or any other organisation are in their essence the flow of action among the members of a society and when a community is identified by its knowledge tradition, assaults on that tradition threatens their very survival. Srivara underlines this fact:

**kimanyada dvijavada deśe sarve granthā manoramāḥ|**
**kathāvaśeṣatāṃ yātāḥ padmānīva himāgame|**
**77/5**

Srivara says that what more could he say? In this region the story of invaluable and precious books ended just like the Brahmins who wrote and composed them. Both were destroyed like a lotus flower that is devastated after a heavy snowfall.

Teaching, imparting knowledge has been the main occupation of Kashmiri Pandits. This occupation was also snatched away by Suhabhatta, the Kashmiri Pandit who had converted to Islam and was the main aide of the Muslim Sultans. Jonaraja writes in his Rajatarngini:

**vicchetumicchatā vidyāṃ tenāpahṛtavṛttibhiḥ.**
**laḍitaṃ prativeśmāgre piṇḍīlobhād dvijaiḥ śvavata.**
**669**

Jonaraja makes it clear that Suhabhatta wanted to destroy knowledge. So he snatched away the employment of the knowledge givers, the Brahmins of Kashmir. And when they had nothing to earn their living they stood in front of homes like

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*Jonaraja says that divine aura of the idols of the deities was squeezed out. They were just stone structures and the hymns recited in front of them were just a bunch of letters. The idols of the deities are infused with divine aura through the process of prāṇapratiṣaṭhā. This is a social action of the collective which involves reciting of special hymns. After the infusion of divine aura the idol becomes a source of agency that grants community power to the collective and they out of free will work for the upkeep of the idol and the temple and the society around.*

dogs expecting from the home owners something to eat.

This is lowest level of agency. The victims of genocide are characterised by very low agency where they can think only about the basic survival. Here we find a very sensitive portrayal of this situation. This is a situation of starvation similar to nazi concentration camps. The only difference is that the inmates of the concentration camps were segregated away from the society and here Kashmiri Pandits were allowed to remain in the society but with the lowest agency worse than even an animal. This is the situation of utmost humiliation.

It has been already made clear that libraries are the centres that facilitate the flow of knowledge and related action among the members of a society. Teachers are the key primary facilitators of this flow of knowledge and action. Knowledge and related action renew the relationships of the members of a society and make them a distinct community. When libraries, the centres of flow of knowledge are destroyed, teachers are made to starve, a community of people is easily destroyed without killing a single member of the community. The members are compelled to move out of the place and get dissolved in the communities away from their place and communities. They are unable to renew their connections with each other. Here the agent is not destroyed as an individual or a collective his agency is damaged and brought down to a level where he loses his distinctiveness as an individual and as a community.

The inference is that out of Panch Kanchuk, the five limits when even one element is damaged, other elements are also affected. Here, it can be easily understood that when the element of Vidyā is damaged, Rāga, the social bonding, the connections between the members of the society are also affected. When Rāga is affected, it makes the relevance of Niyati, the place, questionable and one is compelled to leave the place.

Kalā, art in any form, any form of creativity, is integral to the distinctiveness and flow of action in a society. Art, in its basic form is expressed in visual art of creating pictures of idols of deities that a community has faith in. Idols of deities are expressions of spiritual feelings, the feelings other than material that the members of a society have. These are the representations of the powers that run this world, this universe, the powers that we can only feel through our senses and not necessarily see. There have been idol condemning and idol worshipping cultures. Idol worshipping sustains a unique flow of action in a society where diversity is respected. We can worship any god whose idol is available. Beside the principal deity one worships, bowing to other deities does not make him less of a devotee of his principal deity. This democratic flow of action equips the individual and the community with high agency that respects diversity but is one in its essence. When idols are broken by the iconoclasts, they break an artistic tradition along with the flow of democratic action that the idols facilitate. Thus, the connection between the members of the community is shattered, and divinity in the idols is not perceptible. Jonaraja gives us a very sensitive and painful expression of this truth:

**prabhāvatejo yairdevaiḥ satataṃ prakaṭīkṛtaṃ.**
**khadyotairiva taireva deśadoṣād vinihnutam.**
**592**

The deities who had constantly expressed their divinity, dwindled in their aura just like a glowworm whose light keeps fluctuating and sometime there is no light at all. This happened because of the flaws that had crept into the being of the dwellers of the place. The dwellers of the place were fast losing their agency under the persecutory structures erected by the perpetrators.

**pratyāhṛte tatastejoviśeṣe tridaśairabhūta.**
**pratimānāṃ śilābhāvo mantrāṇāṃ varṇamātratā|**
**593**

Jonaraja says that divine aura of the idols of the deities was squeezed out. They were just stone structures and the hymns recited in front of them were just a bunch of letters.

The idols of the deities are infused with divine aura through the process of prāṇapratiṣaṭhā. This is a social action of the collective which involves reciting of special hymns. After the infusion of divine aura the idol becomes a source of agency that grants community power to the collective and they out of free will, work for the upkeep of the idol and the temple and the society around. These connections are constantly renewed through the gatherings and festivals that are celebrated in the temple. When the idols are broken such connections can no longer be renewed. The community gets scattered in its faith and existence and that constitutes the socio psychological aspect of the victims of genocide.

The possibility of conversion to the perpetrator's faith increases. The new converts establish the connections with their new found community by inflicting more and more damage on their previous community. That is what Suhabhatta, the villain of the history of Kashmir did to the community of his origin. He considered the symbols and processes of the community of his origin a pathology, an ailment, getting rid of which was a matter of genuine delight for him:

**kathāśeṣīkṛte sarvagīrvāṇa pratimāgaṇe.**
**vyādhimukta ivānandaṃ sūhabhaṭṭobhajattataḥ.**
**604**

All idols of deities were destroyed by Suhabhatta. Only the ruins stood there. Suhabhatt felt so relieved and full of delight that as if he had become free of some serious ailment.

Here our attention is drawn towards a part of the para 580 of the judgement given by ICTY on 2 Aug.2001. in the case Prosecutor vs Kristic Case No. IT-98-33-T:

“Where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group.”

The same intent was carried over into the six waves of genocide that followed. The last wave in 1990 completed the genocidal project of the perpetrators in Kashmir. What led to this intent? What constituted the high level of agency that made the perpetrator sustain the intent for almost six centuries? Jonaraja expresses it clearly:

**turuṣkadarśane bhaktyā na tu dveṣena sa dvijāna.**
**vyaplāvayadataścāsmina hatvā na prajagalbhire.**
**670**

Suhabhatta killed Brahmins out of his devotion towards Islam. The acts of killing did not make him a sinner because he bore no malice towards them.

So religious agency was at work that fuelled the intent to exterminate non-believers. As per the above-mentioned judgement given by ICTY the intent was purely genocidal. To make things plain, religious philosophy provided the perpetrators the high agency they possessed even in 1990.

For the last six centuries the flow of time Kāla has hardly been favourable for Kashmiri Pandits. They had always to confront the genocidal scenario. The religious agency of the perpetrator continued to reduce them to nothing and they had only the stories of extermination and persecution to tell.

The religious agency of the perpetrators continued to attack the cultural and religious property and symbols of the victims in Kashmir. The period of respite was from 1420-1470 CE during the reign of Sultan Zainulabdin Badshah. He called back those Kashmiri Pandits who had left Kashmir under the threat of genocide. He appointed them as top officers in his government. This raised the level of their agency. Islamic religious agency had gone down but was maintained to the extent that the per-capita yearly tax to be paid by non-Muslims in an Islamic society was reduced to bare minimum of 1 gram of silver ( one masha as written by jonaraja). Badshah continued to maintain Islamic religious agency which raised its head after his death.

The second wave of genocide came in 1496 CE with the arrival of Shamasuddin Araqi in Kashmir who was a Sufi Shia of Noorbaksia school of Islamic jurisprudence. His biography Tohfat-ul-Ahbab written by Mohammad Ali Kashmiri gives a detailed account of his temple demolition. In addition to other demolitions his biography gives the account of beginning of the project of the beginning of his project of temple demolition. The breaking of the temple of Sharika, the divine mother was his first act of demonstration of Islamic religious agency. Kashmiri Pandits used to gather there for dance, music and singing. Any sort of such religious gathering is the expression of religious agency. The agency was devastated. Araqi, with his followers went to the temple. All devotees were thoroughly beaten and kicked away. The Plinth of the temple was dug out and it was set afire. As per the author of Tohfat-ul-Ahbab Islamic law was enforced. Needless to say, that Islamic law grants a high agency to Muslims that makes them challenge any system of governance. The victim agency was crushed and they had to flee Kashmir.

The persecution unleashed by Iftikhar Khan (1671-75), the notorious governor of Aurangzeb also has the same story to tell. In this period of history Kashmiri Pandits sought to raise their agency to a higher level by forging alliances with the collectives that possessed high agency. They, under the leadership of Pandit Kripa Ram Dutt went to Guru Tegbahadur, the ninth Sikh Guru who gave supreme sacrifice in his attempt to raise voice in favour of Kashmiri Pandits. But the agency of the victims had gone so low that they did not stop leaving Kashmir. The same processes were repeated during the Pathan rule (1752-1819) in which unimaginable atrocities were committed on Kashmiri Pandits. Fifth wave of genocide occurred in 1931 that was unleashed by the Muslim Reading Room Party of Sheikh Abdullah. The sixth wave came in 1947 with the tribal raid after the partition of India when a large number of Kashmiri Pandits left Kashmir. Then came the last wave of genocide in 1990 and the genocidal project was complete. This shows that Kashmiri Pandits have been constant targets of victimization through a long period of their history and they are still being victimised. This is historical victimhood that erodes the agency of the victims to such an extent that they lose political, social and cultural power and become useless even for the government.

But Historical Victimhood is not possible without the Historical Perpetratorhood. Various perpetrators who were the followers of the same ideology came to Kashmir and destroyed the agency of Kashmiri Pandits, the original inhabitants of Kashmir. This Historical Perpetratorhood needs to be pointed out and its narrative power underlined and countered.

The historical victimhood of Kashmiri Pandits has found expression in poems, paintings, theatre performances and other art forms, including essays and write ups of Kashmiri Pandits. All these expressions in art and intellect have been seen nationally and internationally. These acts can be seen as the attempts to counter the Historical Perpetratorhood and raise the level of the agency of the victim , that has been at its lowest over most of the years of about 7 centuries of genocide Kashmiri Pandits have been subjected to.

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# Genocide, Memory and Memoryscapes in Kashmir

**14 September is the Balidan Divas or Martyrdom Day for Kashmiri Pandits because on this day in 1989 Pandit Tika Lal Tapiloo, the first genocidal killing of a Kashmiri Pandit was done in the most recent genocide perpetrated on Kashmiri Pandits. But this day holds no importance for the larger Hindu community of India, nor is it significant for the state of India.**

**Dr. Dileep Kumar Kaul**
Director, JIGAS

The lived life of every individual, community or a nation is sustained through process of selective remembering and forgetting of the elements of history. Some memories are preferred over others, some are totally eliminated from the sphere of social consciousness. For example the birthday of Mahatma Gandhi is a national holiday but the birthday of Bhagat Singh is not. 14 September is the Balidan Divas or Martyrdom Day for Kashmiri Pandits because on this day in 1989 Pandit Tika Lal Tapiloo, the first genocidal killing of a Kashmiri Pandit was done in the most recent genocide perpetrated on Kashmiri Pandits. But this day holds no importance for the larger Hindu community of India, nor is it significant for the state of India. The same genocidal incident may be interpreted differently by the state and other communities and may have more or less significance for them. But traumatic memories, despite all attempts to suppress them, emerge and re-emerge, thus giving rise to many periods of pain for the victim community and embarrassment to the governments, whose attempts to suppress the memories have failed because they were bound to fail.

Books are the most common instruments of memorialization of genocidal events. Through the testimonies of victims of genocide, they historicize and memorialize the genocidal incidents. Such books may be uncomfortable for the governments and they through the intellectuals may use a historian of one period to over mask another period of history depicted by another historian. In Kashmir Kalhan whose greatness as a historian cannot be doubted, was used to overshadow Jonaraja who continued writing of Rajatarngini after Kalhana. This was because Jonaraja has depicted with sensitivity the beginning of genocide of Kashmiri Pandits. But Jonaraja was never promoted. It becomes clear that among intellectual and political circles of India, books that hold, reinforce and retain memories are used to suppress and background memories that may be embarrassing for those in power.

Power may be acquired through democratic or non-democratic means. Invaders come and among the first things they do is renaming the places they invade. Raphael Lemkin, the pioneer of genocide studies in modern times, points out two phases of genocide: the destruction of the national pattern of the oppressed group and the imposition of the national pattern of the oppressor. Renaming of places destroys the national pattern of the victim through the imposition of the national pattern of the perpetrator. Renaming erases all memories and the history associated with the previous name of the place.

In Kashmir the historical city of Srinagar is now known as Shahr-e-Khas. The ancientness of Srinagar stands erased. It was the city built by King Pravarsen in 6 CE. But that ancientness stands erased by the phrase Shahr-e-Khas. But that is not all what stands erased by the word from an invading culture. The memory of the whole lived life of the place is eroded by the name change, the interactional past of the place is erased from the memory by changing the name. This consciousness gave a sense of belonging to those victims who were forced to flee their homes by the perpetrators. This sense of belonging, the sense of possession of a place by its aborigines, and the loss of this possession is integral to the memories of genocide that the victim community carries with it.

American sociologist Sarah D. Warren has done significant work on name changes of places and their effects on people and communities. Her work on Mapuche, the indigenous people of Argentina is significant in this respect. She has given the example of General Roca, the town in the province of Rio-Negro in Argentina. General Julio Roca is held in highest esteem in Argentina as a great General who strengthened Argentina through the conquest of the desert area. But that conquest had caused genocide of the indigenous people living in that area. These indigenous people are called Mapuche whose existence dates back to 500-600 BCE. General Roca is a glorious name for Argentina as a nation, but for Mapuche community it signifies displacement, genocide and dispossession. They have an alternative memory of the conquest though that may be a matter of glory for Argentina as a nation.

The situation for Mapuche people changed when the name of the town was changed to Fiske Menuko which is a Mapuche name that means "deep water." The name of the town changed its meaning from that of an invader to an ecological entity. It was more than a change of meaning. The name "General Roca" had normalized and glorified the phenomenon of dispossession of the place enforced on indigenous Mapuche people by the conquest. The name underlines what was lost along with what still remains of Mapuche, the indigenous people. The name Fiske Menuko meaning deep waters shows what the people had lost. They had lost their connection with their ecology ( Deep water), their ecological culture and language. The renaming restored those connections and represented the fact that

Mapuche people still live in the place and these people cannot be annihilated by any conquest or cultural genocide. The perpetrators and the victims have different memories of the same genocidal event.

Seen in this perspective the name-change campaign of cities and places in India has a different story to tell. In the month of February this year, Supreme Court of India dismissed a petition by a political leader Ashwini Upadhyay. This petition sought to rename historical places, which he said had been named after "foreign barbaric invaders." Dismissing the petition, justice KM Joseph remarked that the petitioner was pointing fingers at a particular community terming it barbaric. Justice Joseph said that India is a secular country and asked the question, " Do you want to keep the country on the boil?"

Whatever may be the political reasons behind filing this petition, it brought forth the fact that there are people in this country who have alternative memories associated with the name change of the places. They remember the name change with the invaders whom they call barbaric. When an invader comes and changes the names of places, he erases the memories associated with the original names of the places and imposes his own nomenclature so that only his memories survive. The renaming of the place establishes the power of the person who gives the new name and memorializes him. In the process the original inhabitants have to suffer the dispossession of the place to which they belong and which belongs to them.

The remark by justice Joseph implies that such renaming cannot be tolerated in a secular country like India because this will keep the country on the boil. This raises a big question. Does the highest legal institution mean that secularism means historical and cultural dementia imposed by a perpetrator through renaming of the places that results in dispossession of the places by the aborigines of those places, the people whose biographical memories as a community are registered on every element of the landscape of those places. Renaming of places by a perpetrator changes the character of that place by confining the place to the name given by the perpetrator. Such secularism does not only normalize and glorify indigenous dispossession caused by the perpetrators but also celebrates the cultural genocide that results from this dispossession and ensures erasure of historical memories that the previous names held in them.

To reclaim these memories and repossess the place Yogi Adityanath government in Uttar Pradesh changed the name of Allahabad (name given by Mughal emperor Akbar) to its original name Prayagraj. The name "Prayagraj" holds the traditional ecological consciousness of Bharat in it. Prayagraj is the place where three sacred rivers Ganga, Yamuna and Saraswati meet. The place where two rivers meet is called "Prayag." Prayagraj means the king of Prayags because three rivers meet there. "Allahabad" meant merely the land populated by the blessings of Allah. If we take the Islamic perspective there is no land that is not populated by the blessings of Allah. So, the name "Allahabad" not only erases the traditional consciousness of sacred ecology and cultural consciousness associated with the name "Prayagraj", but squeezes and generalizes the place as any land populated by the blessings of "Allah." That is where cultural genocide takes over and the creation of genocidal environment is facilitated. That is what the gesture of secularism by the highest court of India does. The court forgets that even the most planned gesture like secularism or any other unplanned gesture can ignite such memories in the victims.

As the traditional and historical names of places are being restored in other parts of India and the cultural possession of the places is being retaken, in Kashmir the names given to places by the perpetrators are being encouraged and validated by the state. The status quo created by the perpetrators is being maintained by the state. Srinagar has been named as Shahr-i-Khas, a Persian word that means "the special city." This name again aims at erasing memories associated with name "Srinagar." In Kashmir the word "Srinagar" is generally translated as "the great city." This is again a memory-erosion practice. "Sri" is a name of the divine mother "Lakshmi" who bestows all prosperity on her devotees. "Srinagar" means "the city blessed with all prosperity by the divine mother "Lakshmi." This meaning stands totally erased by the word "Shahr-i-Khas."

The prominent identity markers of Srinagar city "Hari Parbat" and "Shankaracharya Hill" have suffered the same fate. The hill of "Hari Parbat" holds the temple of divine mother Sharika on it. The word " Sharika" is derived from the word " Sarika" the beautiful bird Myna (Starling), the form of which was taken by the divine mother to carry the hill on her back and then it was dropped on two demons Chand and Mund to relieve the valley of their terror. This is the legend associated with the temple. The hill is held sacred by the Kashmiri Pandit community. In 2016 J&K tourism department in one of its advertisements named Hari Parbat hill as Koh-i-Maran meaning the mountain of snakes. This name totally erases the memories associated with it.

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Moreover, Hari Parbat area has been a secular memoryscape for many centuries now. Memoryscape is a term coined by Sociologist Tim Edensor. He explains memoryscapes as sites which attempt to materialize memory by putting together iconographic forms. Social remembering is organized around these iconographic forms.

In this very Hari Parbat area, very near to the hill that holds the temple on it, we have Gurudwara Chati Padshahi, a famour Sikh shrine and a Muslim Sufi shrine dedicated to Makhdoom Sahab, a Sufi mystic of Kashmir. No person from any community visiting their shrines could escape the sight of the shrines of other communities. So the Hari Parbat area, in its very essence is a secular memoryscape, with the elements of which no community had any objection. But the nomenclature Koh-i-Maran has destroyed the character of this memoryscape. This name not only humiliates this assembly of sacred iconographic structures but gives a Muslim character to the whole landscape thus erasing the name " Hari Parbat" from the social memory.

The same treatment has been meted to Shankaracharya Hill. The hill that holds the ancient temple of Jyeshtharudra Shiva, built by King Gopaditya in 371 BCE, has been named as Takht-i-Suleiman, which means the throne of Suleiman. Whatever may be the reason behind this nomenclature it certainly erases the ancientness of the temple and the memories associated with it. It is clear that the memories associated with the victims of genocide in Kashmir are being erased. This change of meaning is nothing but cultural genocide. This aims at leaving no traces of Kashmiri Pandits in the social memory of Kashmir.

The discussion of memory orientations of Kashmir will be incomplete without taking up the memoryscape of Clocktower in Lal Chowk, Srinagar. It was built by Bajaj Electricals in 1979 as a promotional structure for their company. It had a "Bajaj" logo on it. It is interesting to note that within a week of the installation of the tower, a stone was thrown on one side of it, breaking the glass and stopping the hands of the clock on that side. Perhaps, somebody did not like the structure representing an Indian company rising high above ground in Kashmir. The tower was repaired but after sometime the logo of the company was removed from it and the government took the tower under its control.

During 1990s the Clock Tower became the seat of the struggle for the control over the meaning of Kashmir. That gave rise to change of many contexts and many memories are associated with those contexts. Once a Pakistani flag was hoisted on it. Then a bunker of Border Security Force was lodged inside the basement of the tower. In 2009 Central Reserve Police Force replaced the Border Security Force. On Republic Day and Independence Day every year, the Security forces unfurled the tricolour on the tower. The security forces bunker lodged in the basement of the Clock Tower was attacked many times by the terrorists. It was at this spot that that BJP leader Murli Manohar Joshi along with the present Prime Minister Narendra Modi concluded the Ekta Yatra in 1992. We remember the words of cultural geographer Laura Cameron, "Books contain stories but in a world of lakes and mountains there are many other possibly durable visual loci, that are capable of holding, reinforcing and retaining stories." We see a very durable visual locus in the clock tower. It holds and reinforces many stories.

The state power in Kashmir has mediated the selection of memories to renovate the Clock Tower under the Smart City Project and turned the tower into orchestrated memory scape. This orchestration has reinforced some tragic meanings. The iconographic form mounted at the top of the tower emphasizes a particular identity and all other identities that constituted Kashmir have been thrown into insignificance. In an interview with Newsclick on 6 April, 2023, a sensitive and thinking architect of Kashmir Hakim Sameer Hamdani explains the transformations the memoryscape of the tower underwent under the smart city project initiated by the government. Hamdani says that the Clock Tower was an example of modern architecture and resonated with a specific architecture of a particular period. The plan to use Brangh or spire on the top of the tower does not make sense.

Hamdani further adds that the Kashmir Brangh is a very sacred form of Kashmiri architecture, especially when it comes to Islamic architecture. Using a symbol from religious architecture which people avoid using for their homes and imposing it on a secular structure or civil edifice does not seem right.

Hamdani is very right. The renovation of Clock Tower raises the Islamic iconographic structure high above the ground. The Clock Tower area is projected as a primary representation of Kashmir. This Islamic iconography leaves no space for non-Muslim representations and memories. Kashmiri Pandits have already been hounded out of Kashmir after the genocidal assault of 1990. The spire at the top of the Clock Tower puts forth a narrative that everything in Kashmir is going to happen under the shadow of Islamic icons.

Some days back mass recitation of "Hanuman Chalisa", the famous Hindu scripture was done under the Clock Tower with the Islamic icon Brangh of the top of it. The mass recitation was indeed, a big event that could never be imagined to take place in Kashmir. But doing it under the

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> ***Some days back mass recitation of "Hanuman Chalisa", the famous Hindu scripture was done under the Clock Tower with the Islamic icon Brangh of the top of it. The mass recitation was indeed, a big event that could never be imagined to take place in Kashmir. But doing it under the shadow of Brangh evoked the memories of the narrative or "Kashmiriyat."***

shadow of Brangh evoked the memories of the narrative of "Kashmiriyat." The Kashmiriyat narrative was based on the premise that all faiths can exist in Kashmir under the shadow of Islam. But it was under the shadow of this very Kashmiriyat that Kashmiri Pandit genocide occurred in Kashmir. A subtle script of the failed narrative of Kashmiriyat seemed to be playing during the recitation. It needs to be understood that mosques are still traumatic memoryscapes for the victim community of Kashmiri Pandits. They evoke the memory of January 19, 1990 when from all mosques of the valley announcements were made that kafirs must leave the valley.

Meanings given to places create memories and we cannot but agree that these meanings may go beyond the intended meanings that reflected the status of the structures when they were built. These names may be given by the contexts that follow the context when the structures were built and may be based on the practices and perceptions prevalent in those contexts. Struggles for the control over the meanings within any built environment give rise to such perceptions and practices. This evokes the memories of the Kashmir of 1990s. Whenever a terrorist was killed by the security forces, a signboard naming the street after the killed terrorist terming him as a martyr was immediately erected in the street. That signboard was taken down by security forces after some time. This memorialization of their man after he was killed was the attempt to take control of the meaning of the street.

The meanings and perceptions about places also change with the genocidal assaults. Cities and villages are turned into traumatic memoryscapes. The village of Wandhama in Ganderbal district of Kashmir where 23 Kashmiri Pandits were killed in 1998 and the village of Nadimarg in Pulwama district of Kashmir where 24 Kashmiri Pandits were killed in 2003 are two traumatic memoryscapes in Kashmir. Individual genocidal killing may memorialize a person but massacres memorialize a place keeping the name of a place as a blot on the history of the people especially if they belong to the perpetrator community.

Such massacres divide a place into two parts. One part is that which belonged to the massacred people and the other one is where the people still live. In the villages mentioned above the people who live are from the Muslim community. In the public memory these villages are the sites of massacres of the Kashmiri Pandits. The Muslims who live in these villages can play a big role in projecting their villages as anti-genocide. They can initiate memorialization of the genocidal massacre of the Kashmiri Pandits in these villages. The houses of the victims, if they exist can be turned into memorials. This will give a big boost to the Kashmiri Muslim image and serve as an example for Muslims all over the world. It should not be forgotten that the German government on 28 May, 2021, acknowledged Harero and Nama genocide of German southwest Africa that they committed in 1904 and announced reparation worth 1.34 billion dollars to be paid to Namibia over a period of thirty years. The day before this acknowledgement that is on 27 May 2021 French President Emanuel Macron sought forgiveness from Rwandan people over the siding of the French government with the genocidal regime in Rwanda that killed 800,000 people in 1994.

Countries are acknowledging decades old genocides committed by them. They are also expressing repentance over siding with the perpetrators. Kashmiri Muslims can be the first community in the world History going for the acknowledgement of the genocide they have themselves been subjected to, made to forget their own genocide and inspired to perpetrate it on those who did not convert. They can take the initiative to memorialize the genocidal events because memorialization is the first step towards restoring the honour of the victims and if it is done by the descendants of perpetrators, it restores their dignity also and initiates the elimination of the genocidal environment.

* * *

जाति रक्षा निमित्तं
ESTD. 2022

**वैदूर्यं भिषजं ज्ञात्वा दूषकं परपक्षगम्।**
**अमुञ्चद् बन्धनात् कृत्तभुजनासोष्टपल्लवमं।। 2/50**

Vaidurya, who had the knowledge of herbs ( a doctor) was dubbed as an opposer of the regime and arrested. He was released after severing his hands, nose and lips. Severing of lips was the practice known in Kashmir only during this period.

Jonaraja Rajtarangini - I

# Perils of Forgetting Genocides

**At the heart of this perilous forgetting lies the potential for history to be distorted. The immediacy of the suffering begins to wane, and the sharp edges of historical truths become dulled. In some cases, societies may succumb to a selective amnesia that downplays the gravity of these acts, paving the way for revisionist narratives that distort the narrative of genocide.**

**Tito Ganju**
Chairman, JIGAS

The annals of human history present a stark and chilling tableau—a testament to the indelible stain left by the unspeakable horrors of genocide. It is a narrative etched with the blood of countless lives, a narrative that forces us to confront the darkest corners of human nature. From the haunting specter of the Hindu Holocaust of Hindus of sub continent since the advent of invasions, with its ominous echoes of mass extermination and systematic dehumanization,  to contemporary Kashmiri Pandit Genocide where animosities metamorphosed into a violent whirlwind of brutality, these events serve as harrowing reminders of the capacity for cruelty within our species.

Within the intricate fabric of historical discourse, Swami Vivekananda (1863-1902) unfolds a nuanced perspective through his seminal work. The canvas he paints elucidates a historical oscillation in the Hindu populace. Farishta, the venerable Muslim historian, etches a zenith at 60 crores (600 million), a zenith contrasted starkly by a contemporary nadir of 20 crores (200 million), chronicled in Vivekananda's Complete Works (Vol. 5, p. 233).

Arun Shourie (1941-), a luminary in journalistic realms and a laureate of the Magsaysay award, echoes Vivekananda's reflections in a thoughtful tableau crafted on January 31, 1993. The resonance of Vivekananda's epistolary eloquence to Miss Mary Hale on October 30, 1899, etches its presence within the annals of his Complete Works (Vol. 8, Epistles- Fourth Series CXLV).

In this historical narrative, Dr. K. S. Lal (1920-2002), an erudite historian, pens a profound treatise titled "Growth of Muslim Population in India." Within its pages, a calculation emerges, revealing an 80 million diminution in the Hindu populace from AD 1000 to AD 1525. This numerical cadence beckons contemplation, inviting readers to traverse the corridors of metaphysical currents shaping the demographic flux of bygone epochs.

In a more contemporary context, the Kashmiri Pandit genocide serves as a poignant reminder of the fragility of social harmony. Rooted in historical ethnic tensions, this genocide saw neighbor turn against neighbor, tearing apart the fabric of a nation. The State,the international community, mired in inertia, failed to stem the tide of bloodshed, highlighting the perilous consequences of national and global indifference in the face of atrocities.

However, as we travel through the corridors of time, there emerges a dangerous tendency—a perilous inclination for societies to forget or, in some instances, deliberately downplay the profound significance of these heinous acts. This collective amnesia is not a benign forgetfulness, but a deliberate turning away from the harsh truths of our past. It is a conscious act of disengagement from the lessons embedded in the narratives of suffering, a willful closing of the eyes to the uncomfortable realities that history unveils.

The consequences of this collective forgetting are profound and far-reaching, rippling through the fabric of global society. The echoes of genocides, muted by the passage of time, threaten to unravel the threads that bind us as a shared humanity. As the relentless march of time propels us forward, we risk losing touch with the profound lessons that history strives to impart. The perils of this amnesia resonate like a discordant note, threatening the very foundations of our shared humanity.

At the heart of this perilous forgetting lies the potential for history to be distorted. The immediacy of the suffering begins to wane, and the sharp edges of historical truths become dulled. In some cases, societies may succumb to a selective amnesia that downplays the gravity of these acts, paving the way for revisionist narratives that distort the narrative of genocide. This distortion not only dishonors the memory of the victims but also leaves societies vulnerable to a repetition of history, as the warning signs and lessons of the past fade into obscurity.

ESTD. 2022

***The annals of human history present a stark and chilling tableau—a testament to the indelible stain left by the unspeakable horrors of genocide. It is a narrative etched with the blood of countless lives, a narrative that forces us to confront the darkest corners of human nature. From the haunting specter of the Hindu Holocaust of Hindus of sub continent since the advent of invasions, with its ominous echoes of mass extermination and systematic dehumanization,  to contemporary Kashmiri Pandit Genocide where animosities metamorphosed into a violent whirlwind of brutality, these events serve as harrowing reminders of the capacity for cruelty within our species.***

The danger extends beyond mere forgetfulness; it seeps into the very fabric of justice and accountability. Remembering genocides is not only an act of preserving historical truths but also a prerequisite for holding perpetrators accountable. When societies forget or deny the gravity of past crimes, justice becomes elusive. Perpetrators may escape accountability, leaving wounds unhealed and justice unrealized. In a world that aspires to uphold human rights, the collective forgetting of genocides undermines the pillars of justice and fairness.

Cultural memory, too, hangs in balance. Genocides are not only about the loss of lives but the deliberate erasure of cultures and identities. Forgetting these atrocities risks further marginalizing affected communities, relegating their painful experiences to the peripheries of history. By turning away from these chapters, we risk depriving future generations of the richness and diversity inherent in the human experience. Remembering genocides becomes an act of cultural preservation, a commitment to honoring the resilience of communities that have faced the specter of annihilation.

These events are not isolated occurrences but threads intricately woven into a broader historical fabric, bearing witness to the fragile nature of human coexistence.

Let's take a brief look at each factor or peril, analyzing their implications and significance in a concise manner.

**The Echoes of History:**

The Hindu Holocaust, etched into the collective memory of humanity, remains a stark testament to the depths of brutality that humans can inflict upon one another. Many million lives snuffed out in the name of twisted ideologies cast a long, harrowing shadow on the conscience of the world. The Kashmiri pandit genocide, a more contemporary tragedy, unfolded against the backdrop of national and global indifference, as ethnic tensions erupted into a violent maelstrom leading to mass exodus, leaving a scar on the history of human coexistence. These events, with their stark contrasts in time and space, share a common thread—a stark reminder of the fragility inherent in the human condition.

**The Danger of Collective Amnesia:**

As the relentless march of time propels us forward, there emerges a disquieting propensity for societies to succumb to collective amnesia concerning genocides. The inexorable passage of time can blur the sharp edges of historical atrocities, allowing the immediacy of the suffering to fade from societal consciousness. This amnesia is not a mere forgetfulness; it is a corrosive force that threatens to erode the lessons embedded in the painful narratives of genocide. The danger is twofold—not only in the act of forgetting itself but also in the subsequent distortion of historical truths. Societies may downplay the gravity of these heinous acts, providing fertile ground for revisionist narratives to take root and reshape the understanding of past atrocities.

**The Far-Reaching Consequences:**

The perils of forgetting genocides extend beyond a simple lapse in memory; at its core, this forgetfulness constitutes a betrayal of the victims and a dismissal of their profound suffering. It represents a disregard for the critical lessons that history endeavors to impart to present and future generations. One of the gravest consequences of this collective amnesia is the potential repetition of history. Without the collective memory of past atrocities, societies stand vulnerable to the insidious resurgence of discrimination, hatred, and violence. Warning signs that precede genocide may go unnoticed, and the international community may once again fail to intervene in the face of impending catastrophe, perpetuating a cycle of suffering and indifference.

Furthermore, the act of forgetting genocides poses a significant impediment to the pursuit of justice. Acknowledgment of past atrocities is not only a moral imperative but a practical necessity for holding perpetrators accountable. When societies forget or deny the gravity of these crimes, the pursuit of justice becomes elusive. Perpetrators may escape accountability, leaving the wounds of survivors gaping and unhealed. In a world that aspires to uphold human rights and principles of justice, this collective forgetting undermines the very foundations upon which these ideals rest, casting doubt on the feasibility of achieving a just and fair global society.

**Cultural Memory and Identity:**

Genocides, beyond the staggering loss of lives, are insidious in their erasure of cultures and identities. Forgetting these atrocities poses a severe risk of further marginalizing affected communities. By relegating these painful episodes to the recesses of history, we risk depriving future generations of the richness and diversity inherent in the human experience. Remembering genocides becomes an act of cultural preservation—a solemn commitment to honoring the resilience of communities that have faced the specter of annihilation.

The echoes of genocide persist as a solemn reminder of the need to confront the perils of collective amnesia. The Hindu Holocaust and the Kashmiri Pandit genocide, separated by time are bound by the common thread of human suffering. As societies grapple with the complexities of the present and chart a course into an uncertain future, they must reckon with the weight of their history. Remembering genocides is not merely an act of historical reflection; it is a crucial step toward building a world that acknowledges the painful lessons of the past and endeavors to create a future where the echoes of genocide are replaced by the harmonious chords of compassion, justice, and shared humanity.

> ***The Kashmiri pandit genocide, a more contemporary tragedy, unfolded against the backdrop of national and global indifference, as ethnic tensions erupted into a violent maelstrom leading to mass exodus, leaving a scar on the history of human coexistence.***

* * *

# Museum Of Crimes Against Humanity and Genocide 1992-1995: Pivotal Remembrance and Transformative Justice.

**In contemplating the imperative of erecting akin museums to memorialize other communities ravaged by genocide, one cannot overlook the exigency of creating a similar edifice to commemorate the harrowing Kashmiri Pandits Genocide.**

**Sandeep Aima**
Social Activist, Columnist
& Commentrator

Nestled at Saliha Hadzihuseinovica Muvekita 11, first floor, Sarajevo 71000, Bosnia and Herzegovina, the Museum of Crimes Against Humanity and Genocide bears witness to the tumultuous events that unfolded during the 1992-1995 strife in Bosnia and Herzegovina. Functioning as the vanguard of the "Culture of Remembrance" initiative, this museum symbolizes the need for commemorating the harrowing atrocities endured by the region's populace and underlines the quest for transformative justice through the prism of historical memory.

With its exhaustive repository of archival documents and a multi-disciplinary approach to research, the museum crafts a vivid picture that encapsulates the enormity and intricacies of the crimes that marred the annals of Bosnia and Herzegovina during the aforementioned period. Weaving personal narratives and historical relics together, the museum transcends its role as a mere repository of historical artifacts, serving instead as a living testament to the resilience of the human spirit and the imperatives of sustaining collective memory and ethical responsibility.

In contemplating the imperative of erecting akin museums to memorialize other communities ravaged by genocide, one cannot overlook the exigency of creating a similar edifice to commemorate the harrowing Kashmiri Pandits Genocide. Such an institution would function as an essential platform for immortalizing the poignant recollections of the calamitous events that befell the Kashmiri Pandit community. It would offer an opportunity to chronicle the experiences of the victims and offer a comprehensive understanding of the socio-political milieu that precipitated the genocide, thus fostering a nuanced public discourse and ensuring that the voices of the marginalized are heard and validated.

The relevance of a dedicated museum that memorializes the Kashmiri Pandits Genocide stems from its potential to illuminate a somber chapter of history that has often languished in obscurity. By painstakingly documenting the sequence of events leading up to the genocide and showcasing the profound impact it had on the Kashmiri Pandit populace, such a museum would serve as an emblem of homage to the lives lost and as a catalyst for fostering an inclusive narrative that acknowledges the struggles and resilience of the community.

Moreover, the museum's remit would extend beyond its role as a repository of historical artifacts, assuming the mantle of an advocacy engine that stimulates dialogue on human rights, reconciliation, and conflict prevention. By fostering a culture of empathy and conscientious engagement, the museum can galvanize a collective commitment to upholding justice and fostering an environment conducive to healing and sustainable peace.

In essence, the inauguration of a museum dedicated to the Kashmiri Pandits Genocide serves as a testament to the community's tenacity and fortitude, memorializing their history and embodying their unwavering quest for restitution and equity. The Museum of Crimes Against Humanity and Genocide in Bosnia and Herzegovina offers an illuminating paradigm, inspiring us to revere historical memory, amplify the voices of the afflicted, and champion an ethos of universal justice and solidarity.

Through the prism of commemoration, we are invited to introspect on the collective memory's transformative potential, fostering a shared understanding of our past, a mindful reckoning of our present, and a resilient vision for our future—one defined by justice, equity, and human dignity. As the Museum of Crimes Against Humanity and Genocide beckons us to acknowledge the resilience of the Bosnian populace, the proposition of a museum dedicated to the Kashmiri Pandits Genocide compels us to honor the spirit of endurance and fortitude, laying the groundwork for a narrative that champions inclusivity and universal harmony.

***In essence, the inauguration of a museum dedicated to the Kashmiri Pandits Genocide serves as a testament to the community's tenacity and fortitude, memorializing their history and embodying their unwavering quest for restitution and equity.***

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# Genocides in the Indian Subcontinent: A Dharmic Perspective

## (With special reference to 20th century genocides in India)

**These ten characteristics are *dhṛti* (patience), *kṣamā* (Forgiveness), *dam* (avoiding non-righteousness and following righteous path of dharma), *asteya* (non-stealing), *śauca* (outer and inner purity). *indriyanigraha* (keeping all senses on path of dharma), *dhī* (adding to intellect through good deeds), *vidyā* (knowledge of external and core reality of things), *satya* (following the path of truth), *akrodh* (giving up anger and being at peace).**

**Dr. Dileep Kumar Kaul**
Director, JIGAS

Manu Smriti, an ancient text of Hindu Law gives us a socially significant definition of Dharma (righteousness). Ten characteristics of Dharma are given in this text:

**dhṛti: kṣamā damo'steyaṃ śaucamindriyanigraha:|**
**dhīrvidyā satyamakrodho daśakaṃ dharmalakṣaṇam||**

These ten characteristics are ***dhṛti*** (patience), ***kṣamā*** (Forgiveness), ***dam*** (avoiding non-righteousness and following righteous path of dharma), ***asteya*** (non-stealing), ***śauca*** (outer and inner purity). ***indriyanigraha*** (keeping all senses on path of dharma), ***dhī*** (adding to intellect through good deeds), ***vidyā*** (knowledge of external and core reality of things), ***satya*** (following the path of truth), ***akrodh*** (giving up anger and being at peace).

If we take the element of vidyā, It is the awareness of the core and the visible existence of things and the narrative that emanates from this awareness. This is the essence of things, individually and collectively. This takes us to the awareness of satya (Truth). This is the basis of real intellect that is dhī which does not give rise to anger but keeps you at peace with yourself (akrodh) and that propels you towards working with patience (dhrti) to move forward in life. All this naturally stimulates you towards control over your senses (indriyanigraha) that renders you so pure (śaucam) that you respect the universal human values. You have no feeling of otherness towards anybody. This is Dharmic way of life and anything contrary to this is Adharma or non-righteousness. It has been already pointed out that in a genocidal environment truth is the casualty. So, when truth is slaughtered, it shows that a non-dharmic ideology is beginning to get established.

The high degree of these characteristics of Dharma in an individual makes him dharmic and the lowest degree of these characteristics make him non-dharmic. This is true of individuals as well as communities. The highest level of these characteristics in a community creates a dharmic community and the lowest level gives rise to a non-dharmic community. Even if we do not label such communities as dharmic or non-dharmic, the highest level of these characteristics certainly identifies a rescuer community that believes in universal human values and the lowest degree of these characteristics identify a perpetrator community that does not believe in co-existence of the communities.

The above mentioned ten characteristics of Dharma give rise to a holistic theory of dharma that makes our lives to be on the side of truth. This is the Dharma that makes a profound suggestion that dharmic institutions are must to counter the common crimes and the crime of crimes that is genocide. Broader systems of political and social power do not address a genocidal event as genocide. Their interpretations are always based on the interests and biases that govern them at the moment. They hide the truth or present partial truths to the public. When this happens all characteristics of Dharma are affected. People become less patient, less analytical, they hardly exercise their intellect. A reactive society is formed. The systems of power deliberately aim at creating reactive societies through concealing historical truths because such truths can be politically discomforting. So, truth becomes the casualty when we look at the genocides committed in the Indian subcontinent.

Social, political or educational Dharmic institutions that aim at unveiling and understanding the genocidal truths of history are absent in the Indian subcontinent. Many truth and reconciliation commissions have been established across the world in many countries to facilitate understanding of atrocities and genocides. Out of these Commission for Historical Clarification ( La Comisión para el Esclarecimiento Histórico) established in Guatemala in 1994 needs special mention. It was created to investigate the atrocities committed during the period of 1962 to 1990. These atrocities led to the genocide of Mayan people whose civilisation dated back to 2600 BCE. This commission aimed at clarifying the past with “objectivity, equity and impartiality. Unveiling of truth, the genocidal acts committed by the rulers

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has been the aim of this commission.

In the Indian subcontinent, contrary has been the case. No objectivity, equity and impartiality are seen anywhere when genocidal events are taken into consideration. There has been a tendency to blur the genocidal atrocities committed by some communities, especially in India. If we take Moplah Genocide, it has been wrapped in various covers. Some call it Moplah rebellion. Rebellion against whom? If the rebellion was against Britishers why were the Hindus targeted in large numbers? Why were their women raped? Some call it Moplah riots which it can never be. C. Gopalan Nair, whose book "The Moplah Rebellion, 1921" is widely quoted and read, has paid tributes to British Captain P. McEnroy in the beginning of the book. Capt. McEnroy with a small force of just 125 men had resisted a group of about 4000 Moplah Muslims on 26th August1921, at Pookkottur and inflicted 400 casualties on them. C. Gopalan Nair expresses his gratitude to the captain for he had "saved the Ernad Hindus from wholesale conversion to Moslem faith." That explains the nature of what happened in Moplah. The perpetrator was attacking the victim because he did not want his religious identity to exist. The victim was unable to resist and depended on the Army to get saved from the genocide.

The stories of physical annihilation of the victims matched the brutality or Rwanda. Mr. Nair unequivocally says that there was hardly any Hindu in the rebel area who had not suffered. So the figure of 10,000 Hindus killed does not seem to be an exaggeration, though the government as per the habit puts the number to just 2,500. The women of the area submitted a memorandum to the H.E. The Countess of Reading saying that she has not been appraised of: "The many wells and tanks filled up with the mutilated, but often only half dead bodies of our nearest and dearest ones who refused to abandon the faith of our fathers; of pregnant women cut to pieces and left on the roadside and in the jungles, with the unknown babe protruding from the mangled corpse; of the innocent and helpless children torn form our arms and done to death before our eyes and of our husbands and fathers tortured, flayed and burnt alive; of our helpless sisters forcibly carried away from the midst of kith and kin and subjected to every shame and outrage…" Compare this with the gory account of genocidal killings given by a Rwandan national Romeo Dallare, "We were passing over bridges in swamps that had been lifted by the force of bodies piling up on the struts. We had inched our way through villages of dead humans. We had created paths amongst the dead and half-dead with our hands. And we had thrown up even when there was nothing in our stomachs."

This explains the genocidal nature of Moplah killings. The irony is that Indian Marxists have called it a peasants' revolution.

The reference to Rwanda takes us to the beginning of the Rwandan Genocide. On April 6, 1994, President Juvenal Habyarimana was killed when his plane was shot down. The genocide started immediately. He was returning from peace talks with Rwandan Patriotic Front, a Tutsi dominated group. The blame of the disaster was slapped on the Tutsi community and within 100 days about ten lakh Tutsis were killed. Such genocidal assaults after the killing of a prominent person, have occurred in free India also. The first such genocidal assault occurred after the murder of Mahatma Gandhi. The killer of Mahatma Gandhi, Nathuram Godse was a Chitpawan Brahmin of Maharashtra. After he killed the Mahatma, genocidal assaults were launched on Chitpawan Brahmins, all over Maharashtra. The premise was no different from the one that emerged from the killing of the Rwandan President in 1994. Tutsis (some) may have killed the President so all Tutsis must be Punished. In Maharashtra, after the killing of the Mahatma in 1948, the premise was—A Chitpawan Brahmin has killed Gandhi, our leader, so all Chitpawan Brahmins should be eliminated. That showed the genocidal intent. About 6000 Chitpawan Brahmins are said to be killed in these assaults.

No distorting narratives were employed to hide the genocidal dimensions of the violence. Maurice Patterson, who has done extensive research on Chitpawan Brahmins has reported that even decades after the incident she was not given access to relevant police files. This shows the connivance of the state in hiding the genocide.

The facts were hidden and the tendency to use genocide as a tool for taking revenge if political power is threatened was carried forward in the history. Those who challenge the power deserve death along with their whole community. This tendency was expressed in the same manner in 1984, under similar circumstances when another leader of the same political party was assassinated by the members of the Sikh community. The premise was the same as in case of Mahatma Gandhi. Two Sikhs killed Indira Gandhi, so all Sikhs deserve annihilation. Sajjan Kumar had said in Punjabi language, "Sardar Sala koi na bachna Chahida. (None of the bloody Sardars should escape)." A lady Jagdish Kaur had heard Sajjan Kumar saying these words. She had testified before and enquiry commission. This utterance was punishable under article 3 (c) of the Genocide Convention. As there is no genocide law in India the Sikh killings of 1984 are not recognised as genocidal. But they indeed are genocidal.

Genocide in Rwanda (1994, genocide of Chitpawan Brahmins (1948) in Maharashtra and genocide of Sikhs (1984) are similar in their origins. These three genocidal events begin with the killing of a leader and the murderer, imagined or real, is member of a particular community. So, it is decided that the whole community deserves extermination. This holds similarity with another genocidal event in the history of the world. It occurred on 27 May, 1942 in Czech village of Lidice. Czech resistance fighters had killed a top Nazi leader Reinhard Heydrich. Many waves of reprisals by nazi troops followed. Lidice massacre was one of such waves. Nazis decided that all men from the village who were more than 15 years of age should be killed. 173 men from the village were killed on 10 June 1942. 11 men were not in the village. They were arrested later on and executed. Women were sent to concentration camps. The final count was 190 men, 60 women and 88 children killed. A similar kind of model of reprisal was employed in the above-mentioned genocides perpetrated in the Indian subcontinent. This similarity in the genocidal events in different regions of our world at different points of time holds in it a warning for us that if some atrocious event in our present suggests that the

*One of the tools of hiding the genocide in Kashmir was the creation of Art. 370. It was a very effective tool to hide the genocidal history of Kashmir. It was used to create an impression that the Muslim community in Kashmir can live in harmony with the Hindu minority and this can happen in India, a Hindu dominated country. This sub-nation had its own constitution and a flag, a subnational flag. It was under this flag and the subnational constitution that the genocide of Kashmiri Pandits was completed. Kashmir, that once was 100% Hindu became almost 100% Muslim.*

event in its essence, stands equal to some barbaric events occurring before or after that atrocious event, it is clear that we along with our history have got entangled in a cobweb of apathy and barbarity which creates a culture in which dehumanizing elements get carried forward in history from one point of time to the other. This cannot ensure a future that can be free of barbarity and genocidal behaviours.

Who does not know that social and political power determines how a historical event is to be explained and what is to be included in and excluded from the explanation of that event. This whole process shapes the people's view of history and manipulates their belief in historical facts. Those who wielded power in Kashmir effectively backgrounded and concealed the genocidal phases of the history of Kashmir. The perpetration of genocide is not a straight line affair. The genocidal environment is created through a slow and steady process of elimination of the victim community from social, political, economic, cultural and every kind of life as was done to Jews in Germany. It is after these processes of elimination that the physical elimination of Jews was done. Kashmiri Pandits were treated in the same way. 1990 genocide was the culmination of Seven waves of genocide that were recorded by poets and writers of those times of atrocities. The awareness of six waves of genocide before 1990 imparts a different meaning to the 1990 episode. It makes clear that genocide in Kashmir is not a phenomenon that just jumped into the social theatre of Kashmir to perform a spectacle. But the state has confined the whole thing to just 1990. On the intellectual level it was done through laying emphasis on Kalhan and the history of Kashmir written by him in his " Rajtarangini." This was done because Kalhana's Rajtarangini contained nothing embarrassing for the Indian state. A detailed account of Genocide of Kashmiri Pandits was recorded by Pandit Jonaraja about six hundred years back. Pandit Jonaraja was deliberately brushed under the carpet by the power centres of India because that devastates the "unity in diversity" narrative that has been extended to the whole continuity of the history of atrocities on the victim communities to give an impression that the perpetrator communities have been tolerant of "others" and progressive in their actions.

One of the tools of hiding the genocide in Kashmir was the creation of Art. 370. It was a very effective tool to hide the genocidal history of Kashmir. It was used to create an impression that the Muslim community in Kashmir can live in harmony with the Hindu minority and this can happen in India, a Hindu dominated country. This sub-nation had its own constitution and a flag, a subnational flag. It was under this flag and the subnational constitution that the genocide of Kashmiri Pandits was completed. Kashmir, that once was 100% Hindu became almost 100% Muslim. Another narrative that was floated was the narrative of "Kashmiriyat" the place oriented concept that aims at establishing a narrative that Kashmir is a place where Muslims live in harmony with Hindu minorities. It was under the shadow of "Kashmiriyat" that genocide of Kashmiri Pandits was brought to its culmination. The six centuries of genocide of Kashmiri Pandits was hidden under the constitutional narrative of Art. 370 and the socio-cultural narrative of "Kashmiriyat." This led to the constant impunity and empowerment of the perpetrator in Kashmir.

The genocide of Kashmiri Pandits has important lessons for us. If genocidal processes are spread over centuries and extend into the present, are kept totally unaddressed and above everything are denied by all power centres the victim feels helpless. Helplessnness is not patience as given in the 10 point theory of Dharma. Helplessness makes the victim reactive and prone to commit counter genocide. Such has been the case with the conflict between Palestenians and Jews. Both communities have killed each other since times immemorial and there seems to be no chance of reconciliation. A competitive victimhood is created in which there is no place for mutual empathy. Such a retaliation is not possible in case of Kashmiri Pandits because their numbers are very small and spread all over the world. But still, a squeeze is there on the second characteristic that is kṣamā (Forgiveness). Kashmiri Pandits wherever they are, are not ready to forgive and that state of non-forgiveness is not going to do any harm to the perpetrators who, in absence of genocide law are roaming around freely. The need of genocide law is a big truth, the ninth point of the ten-point theory of Dharma. Genocide law will be a protection for every community and establish a really Dharmic society.

Another genocide in the Indian subcontinent that is being kept hidden by the world powers is the genocide in Bangladesh perpetrated by Pakistani Army. The terror of this genocide could be estimated by the fact that from 5 lakh to 30 lakh people were killed in this genocide. Indian Prime Minister Indira Gandhi had termed the attack "genocide" as early as March 1971. US government was not responding at all because the Pakistan, the perpetrator was its ally. India was siding with USSR. It was a cold war scenario. In such a polarised world we have the sacred memory or Archer Kent Blood, the US consul general in Dhaka with us. He stood against the US policy of being apathetic to genocide of Bangladeshi people. Mr. Blood sent cables to US government terming the killings in Bangladesh as selective genocide. Like a true Dharmic, he could not keep his eyes closed to truth. His cables angered President Nixon and Secretary of State Henry Kissinger. He was called back and was never give any posting as an ambassador anywhere. He worked at a desk in state department until he retired. In an interview given to a

Washington Post in 1982 he said, “I paid a price for my dissent. But I had no choice. The line between right and wrong was just too clear cut.” It is clear that what he did was purely out of a situation of non-anger (Akrodh). Sense of truth leads us towards non anger. The sense of truth he had, gave him the consciousness of the clear-cut line between right and wrong. He was at the highest level of the continuum of the 10 point theory of Dharma. That made him a real Dharmic.

The 10 point Dharmic perspective acts as a tool to compare and critically examine the events of genocide. The question that is left unanswered is that what is in this 10 point Dharmic perspective for the victim who has lost everything, his nears and dears, home and everything. When truth is under assault, there is no other way but to follow the path of Satya (Truth). When the truth of his situation, his genocide is denied, when narratives are floated that it is actually the victim who is responsible for his situation, the victim has to articulate what happened to him and tell the truth, the truth about the genocide he has be subjected to. This needs patience the first point of the 10 point theory of Dharma. When the victim wants to tell the truth, he will automatically exercise patience to compose and articulate the aspects of his truth. Whatever attempts are made in social and political circles to distort the genocidal history the victim has to make it clear first to himself and then to the society that genocide is not a fact, but a barbaric phenomenon, the trauma of which passes from one generation to the other and disorients many periods of future history of the victim community. Telling the truth, following the path of satya keeps alive the Dharmic system in which humans can at least hope to have a future. Otherwise genocides will continue to happen and new genocides will keep hiding the old ones. The words of great Kashmiri historiographer and poet Kalhan, the author of first Rajtarangini give a beautiful expression to this fact:

himenaiva himaṃ śamyed duṣkṛtenaiva duṣkṛtama.(401/5)

he says that as new snow dissolves away the old snow, so too a new sin dissolves away the old one that has been committed before it.

Similarly new genocides will keep dissolving away the old genocides, hide them, so that they remain away from our memory.

> ***The genocide of Kashmiri Pandits has important lessons for us. If genocidal processes are spread over centuries and extend into the present, are kept totally unaddressed and above everything are denied by all power centres the victim feels helpless. Helplessnness is not patience as given in the 10 point theory of Dharma. Helplessness makes the victim reactive and prone to commit counter genocide. Such has been the case with the conflict between Palestenians and Jews.***

* * *

**त्यक्तस्वजातिवेशास्तद्दिनेषु ब्राह्मणादयः।**
**न भट्टोऽहं न भट्टोऽहंभित्यूचुर्भट्टलुण्ठने।। 2/125**

In those times, Kashmiri Pandits (Bhattas) were subjected to loot and plunder. They had given up wearing their ethnic dress. Whenever the plunderers came, to conceal their identity these Brahmins used to say, “ We are not Bhattas! We are not Bhattas!”

Shrivar Rajtarangini - III

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# Genocide in Kashmir: The truth is not synchronic

**These ten characteristics are *dhṛti* (patience), *kṣamā* (Forgiveness), *dam* (avoiding non-righteousness and following righteous path of dharma), *asteya* (non-stealing), *śauca* (outer and inner purity). *indriyanigraha* (keeping all senses on path of dharma), *dhī* (adding to intellect through good deeds), *vidyā* (knowledge of external and core reality of things), *satya* (following the path of truth), *akrodh* (giving up anger and being at peace).**

**Dr. Dileep Kumar Kaul**
Director, JIGAS

Genocide in Kashmir is not an isolated synchronic event fixed in the year 1990. It is a process unleashed in many phases and spread over a period of many centuries. This genocide was executed under a patronizing umbrella of unquestionable impunity fortified with unrelenting religious sanction. This is made clear by the following verse from Jonaraja's Rajtarangini:

**turuṣkadarśane bhaktyā natu dveṣeṇa dvijān|**
**vyaplāvayadataścāsmin hatvā na prajagalbhire|**
**370**

"He (Suhabhatta) killed and tortured Brahmins not out of any malice or hatred towards them. It was just out of his devotion towards Turuṣkadarśana, the philosophy of Islam, that he killed them and that got him no feeling of committing the sin of murder."

The verse makes it clear that the ideology he has owned grants him impunity against the annihilation of the outgroup. This means that the ideology of Turuṣkadarśana aims at annihilating the outgroup.

The verse makes it clear that the perpetrator has no feeling of any guilt or sin when he tortures or kills the Brahmins. When he converted to Islam, his devotion towards the philosophy of this religion made him to kill Brahmins without rearing any malice towards them because he had himself been a Brahmin before converting to Islam. This means that the ideology of the religion that he had converted to, gave him a specific identity that did not want the identities other than Muslim to exist. A perpetrator of genocide does not kill a member of the victim community for being just an individual who is hated. He is killed because of his identity, his membership of the group, that has a specific group culture and activity that is detested by the perpetrator group. Pandit Jonaraja gives expression to this aspect of perpetrator identity in the above-mentioned verse.

This Turuṣkadarśana left a genocidal legacy that was carried forward in history through many phases and culminated into the events of 1990. The first episode of genocide occurred in the first quarter of the fifteenth century under the rule of Ali Shah. After this, fifty years of respite were given to Kashmiri Pandits victims by the rescuer Sultan Badshah from 1420 to 1470. Genocidal assaults to the extent of severing hands, lips, nose and even impalement occurred immediately after his death during the reign of Haider Shah.

The second exodus occurred when Shamasuddin Araqi, a Sufi Shia proselytizer came to Kashmir in 1496. He committed atrocities on Kashmiri Pandits, broke a number of temples and built Khanqahs, lodgings for Sufi Muslims over them.

The third exodus was during the Mughal rule. In 17th century Iftikhar Khan, the governor of Kashmir appointed by Aurangzeb, committed severe atrocities on Kashmiri Pandits. Kashmiri Pandits sought help from the Sikh Guru Teghbahadur Ji Maharaj who gave supreme sacrifice for the Kashmiri Pandit cause. But the exodus had already begun

The fourth exodus occurred during the Pathan rule (1752-1819). It was a phase of unprecedented brutal tyranny.

1931 saw the fifth exodus of Kashmiri Pandits. The Muslim reading room party of Sheikh Abdullah launched a movement against the Dogra rule and in the process Kashmiri Pandits were assaulted.

The sixth episode of genocide caused the sixth exodus when Pakistani tribals invaded Kashmir in 1947. The seventh and final episode in 1990 resulted in almost total ouster of Kashmiri Pandits from Kashmir.

It is clear from these genocidal episodes that the perpetrators in every episode were working under the primary influence of Turuṣkadarśana that is Islam. The perpetrators were Sunnis, Shias, Mughals, Pathans, Pakistani Tribals and local Kashmiri Muslims, all different communities, but followers of Turuṣkadarśana. The truth of the genocidal project in Kashmir cannot be assessed without considering the religious agency that propelled the perpetrators towards so many episodes of genocide through so many years of history.

What we conclude from all this is that truth is a process and not just a point in a history. Every

***It is clear from these genocidal episodes that the perpetrators in every episode were working under the primary influence of Turuṣkadarśana that is Islam. The perpetrators were Sunnis, Shias, Mughals, Pathans, Pakistani Tribals and local Kashmiri Muslims, all different communities, but followers of Turuṣkadarśana. The truth of the genocidal project in Kashmir cannot be assessed without considering the religious agency that propelled the perpetrators towards so many episodes of genocide through so many years of history.***

*In the verse from Jonaraja's Rajtarangini, mentioned in the beginning. the perpetrator considers the Brahmin victim, worthy of annihilation because the ideology he has owned tells him to do this, as mentioned in turuṣkadarśane bhaktyā (devotion towards Islam). This means his ideology inspires him to stop or restrict the sense of continuity, the spontaneous natural flow of life granted to the victim by nature, the universal truth referred to as Ṛtaṁ. His placement in the world that grants him the power to create his world, his culture, his specific truth, and through all this, his specific identity, is stopped or restricted when the perpetrator launches the genocidal attack on him.*

perpetrator and victim has his truth and all these truths are situated in a universal order of creation that grants a similar kind of life to both, the perpetrator and the victim. Buy the perpetrator represses the conscious of the universal order and keeps himself centered on himself and his group. The absence of the consciousness of the universal order marks the existence of the perpetrator. When a man kills a man, he loses the consciousness of this universal order and that turns him into a murderer. When a man as the representative of a group kills another man as the representative of another group with the aim to annihilate the whole group, he becomes a genocidaire, more than a murderer. The absence of the consciousness of the universal right to life with respect to an outgroup is what makes a situation genocidal. That truth is never to be forgotten while understanding the truth of genocide.

This can be better understood through the Rigvedic concept of truth:

**Ṛtaṁ ca satyaṁ cābhīddhāt tapaso dhy ajāyata |**
**tato rātry ajāyata tataḥ samudro arṇavaḥ ||**
**Rigveda 10.190.1.**

Ṛtaṁ, the all-encompassing holistic knowledge that incorporates the sense of continuity of everything in nature, and sense of all existing things that are established in the present (satyaṁ) that is nature, is achieved through meditative perseverance. The interaction of both these knowledges, creates a state of dark night (ajāyata) where every destruction ends and from that stillness is created the ocean of atoms (samudro arṇavaḥ) giving rise to the flow of creation.

In the verse from Jonaraja's Rajtarangini, mentioned in the beginning. the perpetrator considers the Brahmin victim, worthy of annihilation because the ideology he has owned tells him to do this, as mentioned in turuṣkadarśane bhaktyā (devotion towards Islam). This means his ideology inspires him to stop or restrict the sense of continuity, the spontaneous natural flow of life granted to the victim by nature, the universal truth referred to as Ṛtaṁ. His placement in the world that grants him the power to create his world, his culture, his specific truth, and through all this, his specific identity, is stopped or restricted when the perpetrator launches the genocidal attack on him.

By eliminating the victim, the perpetrator experiences power, the power to raze to ground anything that does not accept his ideology. Thus, he experiences high identification and intolerance towards anybody who has an independent ideology. This becomes a fundamental element of his identity. This identity is further strengthened by more events of genocide. But the power his identity has gained through the intolerance granted by his ideology, has eliminated his own sense of the movement, flow and continuity or life (Ṛtaṁ) and his individual and specific truth (Satyaṁ) also becomes dominated by his intolerance and thus restricted. This is a state of stagnation. So, the perpetrator, however powerful he may become is also a sufferer. This may be termed as an ideally humanistic narrative but anybody can understand that any restriction to the flow of life, is indeed a suffering that nobody wants. To overcome this suffering, to maintain the flow and continuity of life that nature has granted and is universal in nature, rescuers emerge from the perpetrator community attempting to maintain the balance between Ṛtaṁ and Satyaṁ. That is why the fifty years of rule by the rescuer Sultan Badshah make him to stand out from other Sultans before and after him who did everything within their power to unleash and consolidate the genocide.

The Rigvedic concept of truth tells us that everyone of us is placed in this world as a creation and as a creator. Every moment we are created as a universal entity of life as we create the specific world around us. When we forget ourselves as particles of creation by this nature and superhumanise ourselves thinking that we can decide about others' lives, We disturb the balance between Ṛtaṁ and Satyaṁ, thus creating an identity that may lead to perpetration of genocide. However intense this perpetrator identity may be, it is restricted in its very essence because it is indifferent towards the spontaneous flow of life, the movement and continuity nature grants to every element of life. When a rescuer emerges from the perpetrator community it is because he has not been able to repress the consciousness of Ṛtaṁ. He feels that everyone like him is placed in the flow and continuity of creation and nobody has the right to take away the right of life from anybody. A victim is killed as a part of the creation of nature that is the overall collective of human beings, as a member of the group he creates and the culture that creates him.

That is the truth of a victim and victims create representations to express the truth of their genocide, whenever they find an opportunity. It was in 15th century CE that Kashmiri Pandit Jonarāja gave the term Jātividhvaṃsa for genocide. The word

Jāti did not mean caste for him as is done in our times. The following line of the verse 817 in Jonarāja's Rajtarangini clarifies his concept of Jāti:

**dvijānāṃ jātirakṣārtha raupyamāṣamakalpayata.**

To protect the Jāti of Brahmins Badshah fixed one masha (0.972 gms) of silver as tax, the protection tax Jazia after the payment of which non-Muslims could practice their religion, under a Muslim ruler, though in a limited way. It was very less as compared to the preceding Sultans Sikander and Alishah who fixed 192 Mashas Jazia. It shows that radical Islamic elements were so strong even in Badshah's rule, so that he could not resist imposing Jazia on non-Muslims to give an impression that his rule, though liberal was Islamic. He could not stop the practice of Jazia that devalued the followers of other faiths. If devaluing and dehumanizing practices from the perpetrator community are not checked and eliminated, genocide may be replicated. Such practices put a squeeze on jāti, which as per the above line of the verse is ethnoreligious identity. It is this ethnoreligious identity that was considered intolerable by Suhabhatta after he converted to Islam as mentioned by Jonaraja in the verse 370 given above.

Jāti was synonymous with life for Kashmiri Pandits. The first line of the verse 606 from Jonaraja's Rajtarangini makes it clear:

**jātidhvaṃse mariṣyāmo dvijeṣviti vadatsvatha.**

The Brahmins said that if our Jāti is destroyed we shall die. This Jāti had enabled them to live their lives as vibrant, flowing and continuous particles of creation, honouring every aspect of creation, simultaneously creating their world with authority that had granted them the power they had. They had lived their lives in meditative perseverance, trying their best to strike as much balance as possible between Ṛtaṁ and Satyaṁ. That is why losing this Jāti was equal to losing their life. They exercised as much as they could, ten attributes of Dharma as explained in Manusmriti:

**dhṛtiḥ kṣamā damo'steyaṃ śaucaṃ indriyanigrahaḥ |**
**dhīrvidyā satyaṃ akrodho daśakaṃ dharmalakṣaṇam | |**

Patience, forgiveness, self-restraint, non-stealing, hygiene, control of sense organs, courage, knowledge, truth, and non-anger constitute the ten traits of Dharma.

These ten traits of Dharma enabled them to maintain the connect between universality that is Ṛtaṁ and the individuality that is satyaṁ. This made them to maintain their universal significance and individual freedom and thus maintain the authority of their dharma, their sense of ultimate truth and righteousness. Genocidal assaults perpetrated on them wreaked havoc on their Jāti but the survivors still live to tell the story. This story has a moral that when there is a perpetrator who is intensely oriented towards the superordination of his group and considers his ideology the ultimate truth, it becomes difficult to counter the high identification he gets from such traits. Under such conditions it becomes the duty of the state to take punitive action. As the state, or the state like force that called the shots was hostile to the victims, the genocidal assaults to annihilate the Jāti continued.

History tells us that in the seven episodes of genocide mentioned above, the perpetrators were never punished by the state. When the perpetrators of one episode of genocide are not punished the dehumanizing and devaluing environment remains intact and is carried forward in the history. The perpetrator identity prevails with all its exclusionary elements and the othering of outgroups becomes more intense. The result of impunity for a crime is well explained in the famous Indian text "Arthaśāstra" written by Kautilya (2 BCE):

**Apraṇīto hi matsyanyāyamudbhāvayati| balīyānabalaṃ**
**hi grasate daṇḍadharābhāve| tena guptaḥ prabhavatīti.**
(part 1,chapter2.)

If the system of punitive action is broken, the effect will be that big fish will eat small fish. In absence of punishment the powerful will persecute the weak. But the king who takes punitive action empowers the powerless.

In Kashmir, the big fish are becoming bigger and fatter and the small fish away from the source are becoming smaller and thinner. That is the identity difference between the perpetrator and the victim community. These identities are to be transformed. Indian state is of the view that genocide can be countered by the existing laws. As a murder cannot be dealt with the theft law, genocide cannot be countered by the murder law. A murderer kills a man with the intent to kill just a person and not his group. But a genocidaire kills a man and with that man a member of a specific group and thus aims at annihilating

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*When the official accounts of truth are given, many things are omitted and many are misinterpreted and manipulated. How can we eliminate these problems. Experience-near ethnographic method is the best tool to understand the truth of a genocidal situation. In this method those informants are chosen who have direct experience of genocide. The informants describe their experiences that are observed and analysed. The analyser of the information is experience-distant. The analysis of the analyser may use jargon or concepts to explain the truth obtained from the experience of the informants. Sometimes the concepts may dominate the analysis. One example may illustrate this. It is a truism that the perpetrators in Kashmir have killed many members of their own community. The secular imaginations of the government have come into play and they have rushed with the narrative that what has happened in Kashmir is not genocide because Kashmiri Pandits and Muslims both have been killed.*

the group. Only genocide laws can counter such crimes. But the Indian state does not want to accept that genocide has occurred in Kashmir and through that non-acceptance wants to maintain India as a country with no blot of genocide while as all big countries have committed genocides. But genocide has been committed in Kashmir and non-acceptance of the truth raises the fear that our future is not going to be free from genocidal events.

When the official accounts of truth are given, many things are omitted and many are misinterpreted and manipulated. How can we eliminate these problems. Experience-near ethnographic method is the best tool to understand the truth of a genocidal situation. In this method those informants are chosen who have direct experience of genocide. The informants describe their experiences that are observed and analysed. The analyser of the information is experience-distant. The analysis of the analyser may use jargon or concepts to explain the truth obtained from the experience of the informants. Sometimes the concepts may dominate the analysis. One example may illustrate this. It is a truism that the perpetrators in Kashmir have killed many members of their own community. The secular imaginations of the government have come into play and they have rushed with the narrative that what has happened in Kashmir is not genocide because Kashmiri Pandits and Muslims both have been killed. Let us take the case of Madam Agathe Uwilingiyimana, the care taker Prime Minister of Rwanda, killed on 7 April 1994 by Hutu soldiers. She was herself a Hutu. Despite that Rwandan genocide is referred to as the genocide of Tutsis. Many other Hutus were killed by Hutu genocidaires but it is still the genocide of Tutsis. The Hutus killed were either rescuers or those who challenged the status quo created by the genocidaires. It was for these reasons that many Kashmiri Muslims were killed by Muslim genocidaires in Kashmir. In a genocidal situation there are always such people from the perpetrator community who do not believe in the dominance of ideologies. Instead, they lead their lives in the striving to attain the balance between universal and personal order. From this we understand that the dominance of concepts like secularism in the analysis of experience-near testimonies can be overcome by eliminating secular imaginations. It needs to be reiterated that about seven centuries of genocidal history of Kashmir have seen the perpetrators from different groups like Shias, Sunnis, Pathans, Mughals but all followed one and the only ideology of Turuṣkadarśana. This ideology and the annihilatory practices associated with it were integral to the identity of all such groups.

As is always the case, the experience-distant analysers are at the helm of affairs in India. They have condemned or hidden the written representations of genocidal truth found in the Rajtaranginis of Jonaraja and Srivara. The representation of a benign past given in Kalhana's Rajtarangini has been foregrounded. This was the academic conspiracy to hide the representations of genocide in Kashmir. As the written representations of the genocidal past of Kashmir stand revealed, the truth is being understood and the victim community is able to comprehend the transgenerational perpetration of genocide.

This brings us to the problem of reconciliation. Reconciliation is not achieved when representatives of victim and perpetrator communities sit across the table and forgive each other. This is just a token reconciliation. Accepting the written representation of the genocidal past means accepting a part of truth that can make a perpetrator to question the exclusionary elements of his identity and thus revise and transform his identity. Reconciliation in essence is the process of identity transformation.

With the beginning of such identity transformation a culture of remembrance begins to emerge. In Germany there are many memorials of the crimes committed by Nazis. The creation of a culture of remembrance is the evidence of the identity transformation of a nation that at a point of history was an extremely brutal perpetrator of genocide. When a culture of remembrance takes roots in Kashmir and memorials will be erected at the sites of the genocidal killings and massacres of Kashmiri Pandits then only genuine reconciliation will occur. That will be the situation when the individual truth will begin to be in unison with the universal order of creation, when the right to exist of everyone will prevail. That will keep alive the consciousness of the process of genocide that occurred on the land of Kashmir and all will say in one voice,

**"Never again!."**

# The Miasma of Restorative Justice and Truth and Reconciliation

> **Truth-telling is fundamental to the restorative justice approach, as it allows all parties involved to acknowledge and confront the harm that has occurred. By openly sharing their experiences, victims, offenders, and affected communities can gain a deeper understanding of the impact of the harm and the underlying causes. This process of truth-telling enables individuals to express their emotions, validate their experiences, and seek acknowledgment and empathy from others.**

**Tito Ganju**
Chairman, JIGAS

Restorative justice, as a framework for addressing harm caused by crime or conflict, emphasizes healing, accountability, and restoring relationships within communities. At its core, restorative justice recognizes the importance of truth and reconciliation in facilitating meaningful resolution and preventing further harm. Truth and reconciliation processes serve as integral components of restorative justice, fostering understanding, healing, and social cohesion.

Truth-telling is fundamental to the restorative justice approach, as it allows all parties involved to acknowledge and confront the harm that has occurred. By openly sharing their experiences, victims, offenders, and affected communities can gain a deeper understanding of the impact of the harm and the underlying causes. This process of truth-telling enables individuals to express their emotions, validate their experiences, and seek acknowledgment and empathy from others.

Furthermore, truth-telling paves the way for accountability and responsibility. Offenders are encouraged to take ownership of their actions, acknowledge the harm they have caused, and express genuine remorse. Through this process, offenders can demonstrate their commitment to making amends and rebuilding trust within the community. Similarly, victims have the opportunity to voice their needs and concerns, receive validation and support, and participate in shaping the outcome of the resolution process.

Restorative justice approaches often incorporate various mechanisms for truth-telling and reconciliation, including victim-offender dialogues, community conferences, and truth commissions.

Restorative Justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that allow all willing stakeholders to meet, although other approaches are available when that is impossible. This can lead to transformation of people, relationships and communities.

The foundational principles of restorative justice have been summarized as follows:

- Crime causes harm and justice should focus on repairing that harm.
- The people most affected by the crime should be able to participate in its resolution.
- The responsibility of the government is to maintain order and of the community to build peace.

If restorative justice were a building, it would have four cornerposts:

- Inclusion of all parties
- Encountering the other side
- Making amends for the harm
- Reintegration of the parties into their communities

Therefore, three key principles govern the implementation of restorative justice in processes and in systemic reform. First, when crime (or wrongdoing) occurs, the focus is on the harm that has been done to people and relationships. Second, when harm has been done, it creates obligations and liabilities. Third, the way forward involves perpetrators, victims and the community in efforts to heal the harm and put things right.

In order for the goals of restorative justice processes to be achieved the following preconditions should be fulfilled:

**A) Invite full participation & concerns.**

Criminal Justice Model Application followed is
Victims, offenders and the community should have a voice in responding to criminal harm and there should be as much agreement as possible in what the outcome should look like.

**Now let us analyse it in the context of Genocide of kashmiri pandits.**

Primarily in the present context historical events, facts, perceptions and apprehensions are of utmost importance. Denials, narratives, counter narratives from both the offenders as well as state substantially establish the purpose of compromise between the offenders and the authorities. Observations of Hon'ble Judge in case of infamous Bitta Karate are glaring example. When releasing Farooq Ahmed Dar on bail in 2006, the TADA court judge N.D. Wani remarked; "The court is aware of the fact that the allegations against the accused are of serious nature and carry a punishment of death sentence or life imprisonment but the fact is that the prosecution has shown total disinterest in arguing the case." Thus, the colorable intent is already loaded making the participation of all concerned futile as to any sort of agreement.

**Now let us examine the Restorative Approach**

All those who feel they have a stake in the conflict should be invited to participate in dialogue around the issues and have a voice in the outcomes or decisions made.

**Now let us analyse it in the context of Genocide of kashmiri pandits**

Post-independence of India, the offenders including main stream political parties have acknowledged and demanded inclusion of Pakistan, as they believe Pakistan is a party. Is that in any case acceptable to the nation as well as the victims.

**B) Heal what has been broken.**

Criminal Justice Model Application followed is

When a crime is committed, the need of healing inevitably arises. This may take the form of emotional healing (for victims and for offender), relationship healing and for reparation of property damage.

**Now let us analyze it in the context of Genocide of Kashmiri pandits**

Thirty-three years of denial seventy-three years of harassment and 700years of harrowing and bone chilling history of gore and blood, torture and religious persecution, molestation and disquiet. Tragically Kashmiri Pandits have been harried, despoiled and laid waste and subjected to vile oppression and abominable persecution, they have been fleeing every now and then from their homeland. From cent percent of population squeezed to a mere single digit percent of total population HEALING……. UNDOUBTEDLY IS A NECESSITY OF JUSTICE…BUT… CURE… PREFERED….. Satyem te patyim--- seventh and last is the objective … PANACEA ….That is arguably healing and reparation.

**RESTORATIVE APPROACH**

Things that are said or done during conflict or disagreement are hurtful. As much as possible, the restorative approach wants to bring those hurts to light and work at healing & reparation.

**IN CASE OF GENOCIDE OF KASHMIRI PANDITS**

Offenders have time and again denied so has the state as well as the civil society. Imagine, A Chief Minister in assembly claims Kashmir is a Muslim majority and shall remain so and then advocating Jagmohan theory claiming Govt of India had sent Jagmohan to massacre Kashmiri Muslims. How naive ignoring the fact when Jagmohan was sent as governor of J&K in 1990 Mufti Mohammad Sayeed was the Home Minister of India.

**RJ**

**C) Seek full and direct accountability**

**CJMA**

Offenders need to take responsibility for their actions and choices. They are given the opportunity to explain their behavior and fulfill the obligations created from their behavior directly to the people they have harmed.

**IN CASE OF GENOCIDE OF KASHMIRI PANDITS**

Denial has been the hallmark so expecting an admission remains a doubtful expectation.

**RA**

Nurture an environment where people are encouraged to take ownership for their own role in escalating a conflict. Respectfully expect people to be accountable for their actions in ways that are fair and responsible..

Denial has been the hallmark so expecting an admission remains a doubtful expectation.

**RJ**

**D) Reunite what has been divided**

**CJMA**

Victims of crime often experience a sense of isolation from the community, as do offenders. While the reasons for this sense may differ between these two groups, essentially a process that allows for reintegration needs to be sought in the wake of a crime for all that have been affected. Such a process can recreate a sense of wholeness and closure, as well as sense of integration into the community.

**RA**

Conflict in places of interaction can create feelings of isolation and outcast. it can result in individuals taking sides and developing an 'us' / them mentality. As much as possible a restorative approach aims to take stock of where divisions have occurred in these communities and work towards understanding and reconciliation.

Thirty three years in exile generational shift, indoctrination of extremism has added to the isolation, which is increasing with every passing movement. Understanding and reconciliation is possible between the equals. For argument sake when two brothers are in conflict to each other's interests, parental homes are divided between the two that is perhaps the most applicable and justifiable solution to such disputes.

**RJ**

Strengthen the community to prevent fulltime harms.

**CJMA**

A justice process that is restorative will focus not only on the details of the crime at hand but what the systemic causes of crime are in the community and how they can be addressed. In this way, a healthier and safer community is created for all, not just a collective wanting to be protected from crime.

Causes of crime need no explanation. Attempt to create a harmonious community is a tried, tested and failed formula when it comes to Kashmir situation. After every exodus out of 7 exoduses of Kashmiri Pandits they tried to create harmonious society but were always butchered like sheep at the will and whims of butchers. Targeted and selective killing.

**RA**

Any kind of community can use conflict to learn, grow and change where necessary. A restorative approach can help illuminate where opportunities for positive changes lie in order to make the community a healthier but more enjoyable place for all.

Introducing new modes for dispute resolution, instead of mechanism already in place, which is apt to solve the issue at hand depicts the intention of delaying the resolution which amounts to re-victimization as false hopes are revised every time in the name of justice which time and again turned out to be mere eye wash.

**The (im)possibility of restorative justice**

But is restorative justice really possible? In order for this process to be successful all these preconditions and principles have to be implemented. If not, restorative justice is yet another means for continuation of the victims' oppression.

Not only that the crimes and harms done are not acknowledged, but they are denied, which makes restorative justice impossible to achieve.

Genocide denial is considered to be the penultimate stage of genocide, which "build on to the complex motivation inspiring the first stage of genocide" and represents "one of the most certain indicators of future genocides". According to Israel W. Charny, genocide denial conceals horror of the crimes and exonerates those responsible for it. In addition denials are celebrations of destruction, renewed humiliations of survivors, and metaphorically murders of historical truth and collective memory. In fact, denial is "double murder" since the deniers kill the dignity of the survivors and tend to destroy the memory of the crime, whereby they prevent the wounds inflicted by the genocide from healing. Deborah Lipstadt argues that the denial of an individual's or a group's persecution is the ultimate cruelty – on some level worse than the persecution itself.

The idea of restorative justice in present context on application of literal rule & golden rule of interpretation, would defeat the purpose of prevention and punishment of crime of Genocide convention. Though, Restorative justice model was applied in Gacaca case but the circumstances of that case were different and restorative justice was practiced by the tribes and thus a custom there while as circumstances and customs are not applicable in the present case.

The destruction of Hindus of Kashmir should not be seen in the context of a local sectarian conflict. It should be seen in the context of the bigger geo-political development – i.e militarization of pan Islamic fundamentalism. Pan Islamic fundamentalism is a totalitarian religious fascist movement which seeks to create an Islamic monolith without the religious ethnic and national pluralism. This ideological approach guided the genocidal campaign against the Hindus of Kashmir. Local perpetrators and abettors are the extension of global pan Islamic movement guided by the ideological constraints of that movement. So reconciliation between local perpetrators and the victims will not materialize and even if for tactical contingencies the local perpetrators seek some sort of an adjustment with the victims it will eventually lead to the refoulement of the victim once again which can be far more destructive. Kashmiri Hindus have suffered seven exoduses since the advent of Islam in Kashmir and multitude of refoulements time and again. Hence the case cannot be addressed in the context of local conflict but inevitably in the context of the extension of militarized religious fascist movement. It has to be borne in mind that the Hindu cultural habitat has been already destroyed in the valley and its reconstruction which is secure from future assaults sustainable and where rule of law and basic freedom can be protected and enforced is an imperative necessity to address the return and rehabilitation of Hindus of Kashmir.

Some Hindus of Kashmir participating in political maneuvers based on the Doctrine of Restorative Justice have to be understood in the frame work of definition of collaborators. Collaborators never seek a permanent solution of the victims of genocide. They seek an adjustment with the perpetrators. They are the people for whom destruction is fait accompli and seek the patronage and sanction of the perpetrators for the survival.

Moreover, their appeals to "forgive and forget", and the expectation to hurry up and "move forward" as the only possibilities for the continuation of the reconciliation process as has often been presented, the victims are oppressed again in the same way as by the denial of the crimes which is said to be "double murder" – since the deniers kill the dignity of the survived and tend to destroy the memory of the crime, whereby they prevent the wounds inflicted by the crimes from healing – or the "ultimate cruelty" – on some level worse than the crime itself, as Deborah Lipstadt famously said.

According to Jeffrie G. Murphy "resentment does not stand simply as emotional testimony of self-respect" but "this passion—and the reluctance to transcend it in hasty forgiveness—also stands as testimony to our allegiance to the moral order itself… an order represented by clear understandings of what constitutes unacceptable treatment of one human being by another". Moreover, he adds, "if we do not show some resentment to those who, in victimizing us, flout those understandings, then we run the risk—in Aurel Kolnai's words—of being 'complicitous in evil.'"

**Now let us examine the recommendation of setting up of a truth commission/Judicial commission.**

Despite their mandate to investigate and address critical issues plaguing Indian society, judicial commissions in the country have often fallen short of achieving their intended objectives. While established with the noble aim of uncovering truth, ensuring accountability, and fostering reconciliation, many commissions have been marred by delays, inefficiencies, and political interference, leading to widespread skepticism about their efficacy. From inquiries into communal violence to probes into administrative lapses, the failure of these commissions to deliver timely and comprehensive justice has raised serious doubts about their effectiveness in addressing pressing societal concerns.

By examining the experiences of past commissions, we can gain insights into the weaknesses of these bodies and thereby their ineffectiveness.

**Lack of Implementation:**

Several judicial commissions in India have faced challenges in the implementation of their recommendations. For example, the Srikrishna Commission, formed to probe the 1992-93 Bombay riots, submitted its report highlighting instances of police bias and administrative failures. However, many of its recommendations remained unimplemented, leading to questions about the government's commitment to justice and accountability.

**Delayed Justice:**

The Nanavati-Mehta Commission, tasked with investigating the 2002 Gujarat riots, encountered significant delays in delivering its findings. Despite conducting extensive inquiries and hearing testimonies from hundreds of witnesses, the commission's final report was submitted years after the incidents, raising concerns about the prolonged process and its impact on justice delivery.

**Political Interference:**

Instances of political interference have also marred the credibility of judicial commissions in India. The Liberhan Commission, established to probe the demolition of the Babri Masjid in 1992, faced allegations of political pressure and delays in completing its inquiry. Critics argued that the commission's mandate was compromised by political considerations, undermining its impartiality and effectiveness.

**Limited Scope and Resources:**
The Justice Verma Committee, formed in the aftermath of the 2012 Delhi gang rape case, highlighted challenges related to the limited scope and resources of judicial commissions. While the committee made comprehensive recommendations for legal reforms and gender justice, its ability to address systemic issues was constrained by time and resources, limiting the depth of its inquiry.

**Public Perception and Accountability:**
The effectiveness of judicial commissions is closely tied to public perception and accountability. The Bhagwati Commission, established to investigate the Bhopal gas tragedy of 1984, faced criticism for its handling of the inquiry and perceived lack of transparency. Public skepticism about the commission's findings and the adequacy of its recommendations underscored the importance of enhancing public trust and accountability in the commission's proceedings.

**Transparency and Accountability:**
The Jain Commission, which investigated the assassination of former Prime Minister Rajiv Gandhi in 1991, shed light on the importance of transparency and accountability in the functioning of judicial commissions. Despite facing criticism for delays and procedural challenges, the commission's efforts to uncover the conspiracy behind the assassination underscored the need for transparent and accountable mechanisms of inquiry.

**Challenges in Fact-Finding:**
The Thakkar Commission, formed to investigate the 1984 anti-Sikh riots in Delhi, highlighted challenges related to fact-finding and evidence collection. With widespread allegations of police complicity and political interference, the commission's task of ascertaining the truth and delivering justice was fraught with difficulties, highlighting the complexities of investigating communal violence.

**Role of Media and Civil Society:**
The Shah Commission, established to probe allegations of corruption during the Emergency period in the 1970s, underscored the role of media and civil society in complementing the work of judicial commissions. By bringing public attention to issues of governance and accountability, media scrutiny and civil society activism played a vital role in ensuring transparency and accountability in the commission's proceedings.

**Efficacy of Recommendations:**
The Srikrishna Commission, formed to investigate the 1992-1993 Mumbai riots, highlighted the challenge of implementing recommendations made by judicial commissions. Despite extensive findings and recommendations aimed at addressing the root causes of the riots, many of the commission's recommendations remained unimplemented, raising questions about the efficacy of such inquiries in bringing about meaningful change.

**Political Interference and Impartiality:**
The Nanavati-Mehta Commission, tasked with probing the 2002 Gujarat riots, underscored the issue of political interference and the need for impartiality in the functioning of judicial commissions. Amidst allegations of bias and political pressure, the commission's ability to conduct an independent and impartial inquiry was called into question, highlighting the challenges posed by external influences on the integrity of such investigations.

The experiences of past judicial commissions in India provide valuable insights into the challenges, efficacy and their effectiveness.

Now the recommendation to establish a truth and reconciliation commission, while well-intentioned,will not fully address the gravity of atrocities committed under the lens of the Genocide Convention. Unlike truth and reconciliation commissions, a Genocide commission operates within the framework of Genocide laws, offering a more robust mechanism for addressing genocidal crimes.

The Genocide Convention, ratified by India, obligates states to prevent and punish acts of genocide, defined as specific acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. In cases where genocide is suspected or alleged to have occurred, a dedicated Genocide commission, empowered by Genocide laws, would be better equipped to investigate, prosecute, and adjudicate such crimes.

While truth and reconciliation commissions aim to promote healing and reconciliation, they do not possess the legal authority or expertise to effectively address genocidal acts. By advocating for the establishment of a Genocide commission, the focus shifts towards comprehensive legal accountability, ensuring that perpetrators are held accountable under the full weight of international law.

In essence, while truth and reconciliation initiatives play a valuable role in fostering societal healing and understanding, they are not sufficient in cases where genocide is alleged. Therefore, the proposition to establish a Genocide commission, in accordance with Genocide laws, represents a more appropriate and impactful response to address the profound injustices associated with genocide.

# Snapshot of JIGAS original research project : The concept of Genocide : A comparison & evaluation of the works of Jonaraj, Lemkin and Arendt

Jonaqraja was a Kashmiri historian and poet in the fifteenth century. He wrote the Dvitiya Rajtarangini as a sequence to Kalhan's Rajtarangini about the kings of Kashmir. The main content of this work is the decline of the Hindu ruling dynasty in Kashmir and the rise of the Muslim ruling dynasty.

**Dr. Rinita Majumdar**
Genocide Scholar

## Introduction

In this paper I show that the definitions of genocide and the concept of perpetrator or agent of genocide as given by the fifteenth century Kashmiri historian and poet Jonaraj is more inclusive and nearer to the actual experience of human beings as compared to the definitions given by Raphael Lemkin and Hannah Arendt. Further, I show here, how Jonaraj's definition gives us a theoretical tool for recovery, reconciliation, and healing. To establish the above thesis in this paper, I touch upon a brief overview of the fictitious dichotomy of the “sacred” and the “secular” in some cultures, a brief description of the concept of Jihad, and the unique condition of the Ajlabi Muslims in the context of the Indian sub-continent.

### Jonaraj's Concept of Genocide: An Existential Approach.

Jonaraja was a Kashmiri historian and poet in the fifteenth century. He wrote the Dvitiya Rajtarangini as a sequence to Kalhan's Rajtarangini about the kings of Kashmir. The main content of this work is the decline of the Hindu ruling dynasty in Kashmir and the rise of the Muslim ruling dynasty. He could not finish the chronicle as he died in 1459, and his work was carried on by his student, Srivara. In defining genocide, Jonaraja used the term “jātividhvaṃsa”, which translates as “Genocide”. According to Jonaraj, “Like a storm that uproots trees and like locusts devastating a rice crop, Yavanas, the Muslims devastated the lived life of Kashmir.” (575 Rajtarangini-II) Jonaraja calls the destruction of the lives of Kashmiri Pandits as “jātividhvaṃsa”. Written in a short verse, this description has a very important significance in the understanding of “genocide”. It talks about “Genocide” not in political terms, but in existential terms when it says that it devastated the lived life of Kashmir. Let us try to understand this in a deeper way. In the above quotation “actions” are described not in a frigid and abstract way as following rules or laws, but in a situated way, via the actual experiences of people, in their daily performances. The word that Jonaraja uses is “Deshachar”. Destruction of the deshachar is the central theme in genocide in Jonoraja's definition, which means complete destruction of the actual lived experience of people and how they relate to the external world.

In the Indian sub-continent, and indeed in much of the ancient world, culture is carried not via rigid laws, but in the actual practices of the people. It is via people and their actions that culture is transmitted from generations to generations. In this sense, from a people centric view, culture is the lived experience of people, it is created, sustained, and destroyed via performance of real people. In this sense, culture is something living and does not lie in abstract scriptural laws. In order to understand how culture (and religion) is embedded in the daily practices of many indigenous people around the world, let us see what an African scholar is saying about how Africans conceived of culture, religion, and identity in pre-Christian and pre Islamic colonization.

“African languages have no equivalent for the Western word “religion” or indeed “ritual” so in order to consider the religions of Christianity and Islam, they have to start using an alien and imported word. Similarly, the practitioners of African traditional religions do not look upon their religious beliefs and practices as a distinct set of activities separated from economic or other ones, nor are they defined as the religions of Yoruba, Zulu or Kamba. People as if they were national churches. An old traditionalist on being asked his religion would reply, “I am a Zulu”. Consequently, even though Africans are pervasively religious one cannot talk of “religion” per se in traditional African terms. In other words, one can talk of “religiosity but not “religion” if the former is seen as the awareness and quest for metaphysical phenomena while the latter is seen in terms of a codified and institutionalized set of doctrines and ritual practices. The African way of life in every aspect is immersed in “religion”, so much so that to ask him/her what is religion is like

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> ***A second aspect of Jonaraja's definition is very significant. It is Jonaraja's concept of the perpetrator or agent of genocide. Jonaraja talks of Suhabhatta (A Kashmiri Pandit who converted to Islam) who perpetrated genocide on Kashmiri Pandits.***
>
> ***Jonaraj writes about Suhabhatta:***
>
> ***"Janānāṃ jātividhvaṃse sūhabhaṭṭaḥ kṛtodyamaḥ.".***

asking: who are you? As a Chinese proverb has it, "If you want a definition of water, do not ask a fish." The only definition of "Religion" to the African, there is that it is indefinable; because "the religion of Africa does not live in the pages of books on "world religions", rather it lives in the hearts and lives of people. (John Alembillah Azumah, ).

What Azumah is saying about the pre-colonial African religion is also true of the people in pre-colonial Indian Sub-continent. It is through their "deshachar", their performance, that their culture (religion) and their identity is carried out. There is indeed no separation between the "sacred" and the "secular", for every action is "Sacred" but it cannot be understood in terms of written laws or edicts. Destruction of this deshachar is a destruction of their way of life and identity. Further, in this case, the "Jati" is not only an ethno-religious group but also forms the identity of that group, and Jonaraja's concept of Jātividhvaṃsa captures this destruction of their identity. Thus, Jonaraja's definition is inclusive of the actual lived experience of people and the existential feeling of what it is to experience the destruction of one's identity.

A second aspect of Jonaraj's definition is very significant. It is Jonaraja's concept of the perpetrator or agent of genocide. Jonaraja talks of Suhabhatta (A Kashmiri Pandit who converted to Islam) who perpetrated genocide on Kashmiri Pandits. Jonaraja writes about Suhabhatta:

**"Janānāṃ jātividhvaṃse sūhabhaṭṭaḥ kṛtodyamaḥ.".**

What is significant in Jonaraja's description of the perpetrator, in this case Suhabhatta, is how he describes the mental state of Suhabhatta. According to Jonaraj, "Like an immature child who cannot differentiate between edible and inedible things, Suhabhatta, the principal official of Sikander Butshikan, along with this aides, perpetrated genocide on people." (The Definition of Genocide, Jigas Paper, Chapter 1). While the State machinery is important in the destruction, Jonaraj describes the role played by the individual psyche and how this psyche, under the influence of the ideology of Turuṣkadarśana, destroyed the socio-cultural fabric of society. Jonaraj describes the mindset of Suhabhatta, the perpetrator, as "childish", which implies that his (Suhabhatta's) mind has regressed into a previous state of development. Why has this regression happened Jonaraj says that under the influence of "Turuṣkadarśana", or Islam. This insight of Jonaraj is profound, for, as I show below, it will help us to create an inter cultural dialogue and start the healing process.

**Political Definitions of Genocide: Lemkin**

Raphael Lemkin, a polish lawyer, defines "genocide" in the following way: "By Genocide we mean the destruction of a group of ethnic group generally speaking genocide does not necessarily mean that immediate destruction of a nation, except when accomplished by mass of all members of a nation. It is extended rather to signify a co-originated plan of different actions aiming at the destruction of essential foundation of the life of national groups, with the aim of annihilating the groups themselves…" (Jigas Paper, Chapter 1). Lemkin describes genocide as the disintegration of the political and social institutions of culture, language, national feelings, religions, and economic existence of national groups. Lemkin's definition includes the destruction of personal security, liberty, health, and dignity of people. Overall, Lemkin's definition is political, it talks of the destruction of political and social institutions and culture. Although Lemkin does talk of the destruction of "culture", yet this is also caused by political machinery and hence dependent on the political destruction. It is not applicable to many cases where the culture is practiced via everyday rituals and lived experiences, as in Africa and the Indian Sub continent, indeed probably everywhere in the world. For even in the practice of Islam although there are strict rules and regulations, it is the actual lived experiences of people that carries the tradition, and in this sense, Jonaraj's definition of genocide as "Jātividhvaṃsa" via the actual experience of people is more inclusive than that given by Lemkin.

**Hannah Arendt: The Perpetrator As A Cog In The Machine**

Now, let us turn specifically to the definition of agent or perpetrator. In her essay "Eichmann in Jerusalem", Hannah Arendt talks of the psyche of perpetrator, whom she terms as the "New Criminal". According to Arendt, there is a "new criminal", who does not violate any laws, rather he/she works for the State and obeys all the laws. Eichmann was an ordinary person who worked for the Vacuum Oil Company till he joined the State and became one of the officers in Auschwitz. He was later taken to Jerusalem and asked about his crime. After he said that he did not kill any Jew or hate them, he was made to go through psychiatric examination. The psychiatrist examination did not find anything pathological about him, they showed him to be normal. From this Arendt concluded that the "New Criminal" is a "Cog In the Machine". This means that he does not have any intentionality, but only follows State orders like a robot. So, while Arendt talks of individual psyche in describing the agent or perpetrator of genocide, ultimately, she makes the State machinery the agent of genocide.

Now, let us contrast this view of the perpetrator with Jonaraj's theory about the psyche of the agent of genocide. According to Jonaraj, Suhabhatta was under the ideology of "Turuṣkadarśana" or Islam and developed a childish mental state that cannot distinguish between what is edible or what is not edible. In psychoanalytic terms, this means that Suhabhatta is so much under the influence of this ideology, that he has regressed to a previous state of development. Here, we see that Jonaraj's definition does not give a "Cog in the machine" (again a political definition) concept of the agent, but a very personal and existential mindset of the perpetrator, who under the influence of Jihadi ideology, has regressed to a previous state of mind. Why this is significant is because, this explanation overcomes the binary of victim/perpetrator and shows that the same person who is a victim is at the same time a perpetrator. To understand this better, let us think of an analogy with dementia. Dementia is a cognitive impairment in clear consciousness. It is not a developmental disorder or mental retardation, but an impairment that happened due to some cognitive failures and/or socio-cultural factors that influenced the cognition. In the case of the perpetrators, the influence is "Turuṣkadarśana", where a person with a normal mental state regressed to an earlier childlike state (much like dementia) and performed certain atrocious actions, like annihilating a culture and their people who follow that culture. Nonetheless, this is not a pathology per se, as the Israeli State conceived of Eichman's mental condition and hence put him through psychiatric examination. It is a mental state of cognitive impairment that one has reached as result of a socio- cultural influence, Turuṣkadarśana or in this case we can call it a call to Jihad. Let us take one small example of how the ideology of Jihad can take someone from a clear consciousness to a childish state.

According to Dr. Azuma, There are many versions of "Jihad" and there are no agreements on Jihad. "Jihad" is an Arabic verbal noun derived from the verb "Jahada", which means "strain", "exertion", "endeavor" on behalf or for the sake of something. Jihad is translated by E.W. Lane as "the using or exerting one's utmost power, efforts, endeavors, or ability in contending with an object of disapprobation… namely a visible enemy, the devil, and one's self . Lane goes to point out that jihad came to be used by Muslims to signify fighting or waging war against "unbelievers and the like" as a religious duty. "

Jihad has influenced fighters for generations, although its actual experience between those who are born into Islam and those who adopted Islam have been different. This distinction is particularly important for us to understand the concept of the perpetrator like Suhabhatta and others in the Indian Sub continent and their special relationship to Jihad. In the Indian sub continent, one has to make a distinction between the Aljabi and the Ashrafi Muslims and the special relationship Aljabi Muslims have towards Islam. According to Sinha and Dasgupta,

"The Indian Muslims (converted to Islam) were the worst sufferers under Islamic Sultanate…The 98% of the Indian Muslims, thus, rationally may be termed as Ajlab Muslims who had confronted four prongs: seclusion from their natural social habitat, loss of cultural identity, migration from traditional customs and academic attainment, and finally enslavement remaining in poor economic conditions under the alien invading rulers".

**What is important here is the mindset of the Aljabi Muslims?**

Trauma, as psychoanalyst Melanie Klein theorizes, activates the fear of annihilation and destruction that is always waiting within, the haunting presence of the death instinct. This death instinct in turn gives rise to some primitive defenses (as psychoanalyst would call them) such as fear of being annihilated. Subsequently, the traumatized person projects his fear outward into persecutory objects and people who then come back to haunt him.

If we apply the above to the psyche of Suhabhatta we can see how his regressive mental state, which Jonaraj talks about as "Childish" and unable to make a distinction between the edible and non-edible, actually is a psyche where his previous deshachar , which once constituted his identity, haunted him. The only way to do away with this haunting is to annihilate them. This gives us an interesting theoretical tool to understand the psyche of the perpetrator. This kind of complex and intricate analysis that we can derive from Jonaraj's definition of the agent or perpetrator of genocide is absent in Arendt's theory of the perpetrator as "Cog In the machine". It is important for us to expand Jonaraj's analysis of the perpetrator for future reconciliation and healing.

## Implications of Jonaraj's Theory of Genocide and Perpetrator

We saw above that Jonaraj's definition of genocide is more inclusive for it frames genocide not in terms of structures political or economic, but in the actual lived experiences of people. It mirrors the actual experience of the people who underwent "Jātividhvaṃsa", where "Jāti" is not an abstract ethno-religious group but intimately linked to people's experiences and identities and where there is no clear distinction between the "sacred" and the "non-sacred". It brings the definition of genocide to a more experiential and everyday level. Second, Jonaraj's description of the childish mental state of the perpetrator allows us to derive a more nuanced and psychoanalytic description of the psyche of the Aljabi Muslims like Suhabhatta. It shows that the perpetrator is haunted by his past identity and performs actions without discrimination, like a child. The mental state of the perpetrator is like a person suffering from dementia, a state of cognitive impairment, and not necessarily a disorder or pathology. Cognitive impairment is a result of some socio cultural and historical factors, in this case Turuṣkadarśana, and it is possible to conceive of this impairment as progressive, static, or reversible under certain conditions. Since the mindset of the perpetrator or those belonging to the perpetrator class or community is continually haunted by the specter of their past identity and culture (deshchar), they are

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in as much pain as those who are victims of the actions, their act of genocide. It is from this shared pain that their commonality, what one performs, one's culture and identity, and what one lost and mourns unconsciously and deeply, can bring both in a new performance or culture of sharing. This is where healing starts. For the start of healing is the recognition of this mutual pain and suffering. The validation of the genocide, the loss and pain of the victims and the pain of the perpetrator on their lost identity and culture that haunts them continually. An analytic reading of Jonaraj's definition can help us to get to this point of healing by redefining the concept of genocide as the destruction of the lived experience and identity of a group and the perpetrator in a regressive state where he is haunted by his past.

**Conclusion**

In the above pages I have given a brief analysis of three thinkers of the definitions of genocide and the perpetrator of genocide, Jonaraj, Lemkin, and Arendt. I have shown that a thorough analysis of the verses given by Jonaraj will reveal profound insight into how genocide is experienced by people by intruding and destroying their everyday life experience. This takes away genocide from the abstract political and structural concepts. It gives us an insight into how genocide can be conceived from the point of view of the sufferers. Further, I have shown how Jonaraj's concept of the perpetrator lets us see the perpetrator with a mental state that is regressive and not pathological per se. It also lets us see, particularly in the context of the Indian Sub-Continent, how the perpetrator is haunted by his past deshachar that includes loss of culture and identity. Both these definitions are ingrained in the works of Jonaraj and are helpful for us to create a space where inter-cultural dialogue is possible and where contradictions and binaries of perpetrator/victims can give place to healing and reconciliation.

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* * *

**तुरुष्कदर्शने भक्त्या नतु द्वेषेण स द्विजान्।**
**व्यप्लावयदतश्चास्मिन हत्वा न प्रजगल्भिरे। 670**

In this verse Jonaraja explains the genocidal intent of Suhabhatta. Suhabhatta , a Kashmiri Pandit who had converted to Islam, killed brahmins, not out of mallice, but his love for Islam to which he had converted. Islam changed his identity, and inspired him to annihilate the "other", that is Kafir, that is an anti-islamic identity. These killings gave Suhabhatta, no sense of guilt or sin.

Jonaraja Rajtarangini - II

# Q & A with Scholars of JIGAS

**Nitin Verma**
Advocate J&K High Court

**Q- Please tell us a little bit about yourself?**

I am Nitin Verma, a practising advocate in the High Court of Jammu and Kashmir since 2013. My extensive knowledge and experience has enabled me to establish myself as a skilled litigator and a respected member of the legal community. In addition to my legal qualifications, I have also pursued a master's degree in Business Management with a specialization in finance, which has provided me with a unique perspective and skill set. As an advocate, my primary objective is to provide my clients with effective and efficient legal representation. Over the years, I have developed a strong work ethic, attention to detail, and strategic approach to legal disputes, which has helped me achieve favorable outcomes for my clients in various legal proceedings. I take pride in my ability to handle complex legal cases involving financial matters with ease, thanks to my expertise in both law and finance.

**Q- How did you hear about JIGAS and why did you apply for the Genocide studies program?**

I applied for the Genocide Studies program at JIGAS because I was part of the drafting team of a proposed Genocide and Atrocities Bill. Given my involvement in this important legal initiative, it was essential for me to deepen my knowledge and understanding of genocide and its various forms. Therefore, all the team members, including me were enrolled in the pilot course on Genocide Studies program at JIGAS. This program provided us with a comprehensive understanding of the history, causes, and consequences of genocide, as well as insights into how legal frameworks can be used to prevent and respond to these crimes.

**Q- What expectations did you have before you joined the program? Were those expectations met?**

Tito Ganju is a renowned academician, and any program developed under his guidance is expected to be of the highest quality. The expectations are particularly high amongst law scholars, and Tito Sir has a reputation for exceeding these expectations consistently. Dr. Dileep Kaul's Indic concept introduced in the program has provided new insights to scholars, opening up new vistas for learning. Those who are interested in understanding history and wish to contribute to making the world a better place should consider enrolling in this course. I would highly recommend this program to anyone looking to deepen their knowledge of genocide and its impact on society.

**Q- What did you think about the curriculum that you were taught?**

The program includes courses such as Introduction to Genocide Studies, History and Causes of Genocide, Genocide Prevention, and Response Mechanisms. These courses provide scholars with a deep understanding of the historical, political, and social aspects of genocide. They also equip scholars with the knowledge and skills needed to analyze, prevent, and respond to these crimes. The program emphasizes the importance of legal frameworks in preventing and responding to genocide, as well as the role of advocacy in promoting justice and accountability for these crimes.

**Q- What kind of scholars do you think will benefit most from this program?**

The Genocide Studies program at JIGAS is a comprehensive and interdisciplinary program that equips scholars with the knowledge and skills needed to analyze, prevent, and respond to genocide. The program emphasizes the importance of legal frameworks in preventing and responding to genocide, as well as the role of advocacy in promoting justice and accountability for victims of genocide. I highly recommend this program to anyone looking to deepen their knowledge of Genocide and its impact on humanity.

**Q- Did the program empower you to speak about forgotten genocides on national and international platforms?**

The Genocide Studies program at JIGAS is designed to provide scholars with a comprehensive understanding of genocide and its various forms. The program aims to equip students with the knowledge and skills needed to analyze, prevent, and respond to these crimes. Through this program, I have gained the confidence to speak about forgotten genocides on national and international platforms. The program has provided me with a deeper understanding of the historical, political, and social aspects of genocide, and the legal frameworks that can be used to prevent and respond to these crimes. I consider myself now to be better equipped to advocate for the victims of genocide and promote justice and accountability for these crimes.

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